DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
1201 Greenbrier Street
Charleston, WV 25311-1088

Gaston Caperton
Governor

John M. Ranson
Cabinet Secretary

David C. Callaghan
Director

Ann A. Spaner
Deputy Director

December 6, 1993

Re: Storm Water Discharges Associated With Construction Activity

Dear Applicant:

Enclosed is a copy of the General WV/NPDES Water Pollution Control Permit for storm water discharges associated with construction activity, a Fact Sheet, and a site registration application form. This General Permit was issued on June 8, 1992 to regulate certain storm water discharges. This permit simplifies the permit application process for most existing facilities making application.

If you wish to be regulated under the terms and conditions of the General Permit, you must satisfy the registration requirements. The site registration application form must be completed. Please note that all sections of the form require an answer. Refer to the accompanying Instructions if you need assistance completing the application. A well prepared and accurate application will reduce processing time and any miscalculations or inaccuracies which might result in the decision to require an individual permit. To be eligible to register under this General Permit, your application must be submitted 30 days prior to commencing any construction activity. The application fee must accompany the registration application form. See pages 3 and 5 of the Instructions to determine the correct fee.

Upon approval of your application, you will be issued a letter of approval and registration number.

If there are any questions regarding the preparation of the application form, please contact Lyle Bennett at (304) 558-2108.

Enclosures

■ Permit Fees

Permit fees are determined by Legislative Rules, Title 47, Series 26.

Application fees have been calculated by acreage and by precipitation zones using the permit fee formula. Refer to the Precipitation zone map to determine in which zone your construction project is located. Consult the following chart to determine the proper application fee for your project.

For additional information contact:

Andy Weaks, Office of Water Resources, 1304 Goose Run Road, Fairmont, WV 26554-1392. Phone (304) 367-2720. FAX: (304) 367-2727.

Robert Weiford, Office of Water Resources, 694 Winfield Road, St. Albans, WV 25177-1554. Phone (304) 759-0701. FAX: (304) 759-0706.

Office of Water Resources, Program Management/Technical Support Section, 1201 Greenbrier Street, Charleston, WV 25311-1088. Phone (304) 558-2108. Fax: (304) 558-5905. TDD: (304) 558-2751.

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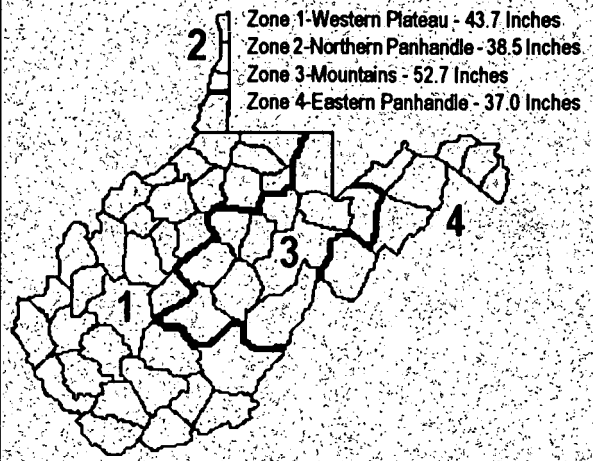
Precipitation Zones in West Virginia

with their Annual Median Rainfall



Zone 1

3 acres	=$350
4 - 38 acres	=$585
39 - 76 acres	=$700
77 acres or more	=$875

Zone 2

3 - 4 acres	= $350
5 - 43 acres	= $585
44 - 87 acres	= $700
88 acres or more	= $875

Zone 3

3 acres	= $350
4 - 31 acres	= $585
32 - 63 acres	= $700
64 acres or more	= $875

Zone 4

3 - 4 acres	= $350
5 - 45 acres	= $585
46 - 90 acres	= $700
91 acres or more	= $875

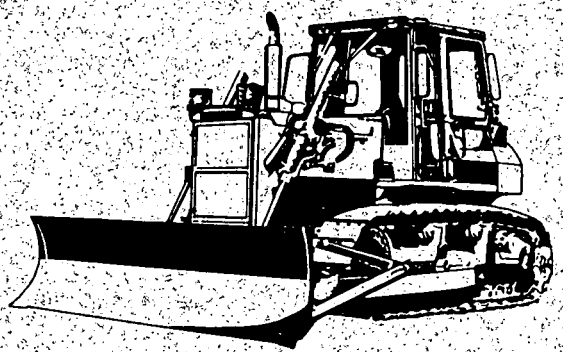
ORIGINAL (Red)

DEP

Division of Environmental Protection

West Virginia

Storm Water Permits Required for Construction Activities



Office of Water Resources

Controlling storm water runoff through siltation fences, sediment ponds, catch basins, revegetation and other protection practices is not new to the construction industry. However, sediment control at the construction site is no longer voluntary. Under the requirements of the 1987 Clean Water Act and U.S. EPA regulations, the Division of Environmental Protection's Office of Water Resources on June 8, 1992, issued a West Virginia/National Pollutant Discharge Elimination System (NPDES) general permit for storm water discharges associated with industrial activities. As established by federal storm water regulations, construction activities are classified as industrial activities that require a NPDES permit.

The WV/NPDES general permit focuses on implementation of pollution prevention plans to control or reduce contaminants in the storm water discharge.

Construction activities may cause severe localized impacts on water quality because of high concentrations of sediment. Construction sites also can generate pollutants such as phosphorus and nitrogen from fertilizers, pesticides, petroleum products, construction chemicals and solid wastes. These materials can be toxic to aquatic organisms, degrade water for drinking and water-contact recreation, and increase flooding potential.

The NPDES General Permit

The general permit is designed to make permitting more efficient and less expensive by covering a broad category of applicants with similar discharges. Under a general permit, applicants are allowed to submit a site registration application instead of the longer, more complex individual permit application.

Construction Activities Affected by the WV/NPDES General Storm Water Permit

The general permit applies to any construction activity that disturbs three acres or more of land.

NOTE:

Projects that disturb more than one acre but less than three acres of land are required to file a Letter of Intent and submit a sediment control plan. No permits or fees are required.

Application Deadlines

To obtain coverage under the WV/NPDES general storm water permit, owners/developers must apply for a permit at least 30 days prior to commencing the operation. The owner/developer of the construction activity is responsible for filing the permit application and complying with permit conditions.

The WV/NPDES General Permit Application Requires the Following:

- ❑ Description of the construction activity. Total area to be disturbed under the permit.
- ❑ Four complete copies of the storm water registration form.
- ❑ Storm water pollution prevention plan that outlines proposed measures to control storm water discharges during and after construction operations.
- ❑ Permit application fee.

The storm water pollution prevention plan must include:

- ☑ Erosion and sediment control plan capable of controlling runoff from a 10-year 24-hour duration storm.
- ☑ Storm water management measures.
- ☑ Provisions for disposal of waste materials.
- ☑ Road maintenance measures.

Notification of Permit Approval

The Office of Water Resources intends to advise the applicant of permit status within 30 days. However, to avoid construction delays, an application will be considered approved if the OWR does not respond by the end of the 30-day period. This approval does not exempt the applicant from implementing a storm water pollution prevention plan that will meet the general permit requirements.

ORIGINAL (Red)

STATE OF WEST VIRGINIA
DIVISION OF NATURAL RESOURCES
WATER RESOURCES SECTION

FACT SHEET, RATIONALE AND INFORMATION FOR GENERAL NPDES PERMIT FOR STORM WATER ASSOCIATED WITH INDUSTRIAL ACTIVITY IN WEST VIRGINIA

1. NAME AND ADDRESS OF APPLICANT

Any establishment with discharges composed entirely of storm water associated with industrial activity agreeing to be regulated under the terms of this proposed General Permit (except as noted herein).

2. GENERAL WV/NPDES PERMIT NO: WV0111457

3. COUNTY: Any WV county RECEIVING STREAM: Any WV stream

4. PUBLIC COMMENT PERIOD FROM 2-17-92 TO 3-30-92

5. SIC CODE AND DESCRIPTION OF APPLICANT'S FACILITY OR ACTIVITY:

Multiple and varied. See Tables 4 and 5 attached to this fact sheet.

6. DESCRIPTION OF DISCHARGES

The volume and quality of storm water discharges associated with industrial activity will depend on a number of factors, including the industrial activities occurring at the facility, the nature of precipitation, and the degree of surface imperviousness. Rain water may pick up pollutants from structures and other surfaces as it drains from the land. In addition, sources of pollutants other than storm water, such as illicit connections, spills, and other improperly dumped materials may increase the pollutant loads discharged from separate storm sewers. The sources which contribute pollutants to storm water discharges differ with the type of industry operation and facility-specific features. For example, air emissions may be a significant source of pollutants at some facilities, material storage operations may be important at different operations, while other facilities may discharge storm water associated with industrial activity with relatively low levels of pollutants.

The most extensively studied storm water discharges have been those from residential and commercial areas (urban runoff). Evaluating these discharges will provide a starting point for understanding the pollutants that can be expected in storm water discharges associated with industrial activity. Many storm water discharges are expected to contain the pollutants typically associated with urban runoff along with additional pollutants that result from the specific industrial operations of the facility.

Intensive construction activities may result in severe localized impacts on water quality because of high unit loads of pollutants, primarily sediments. Construction sites can also generate other pollutants such as phosphorus and nitrogen from fertilizer, pesticides, petroleum products, construction chemicals, and solid wastes. These materials can be toxic to aquatic organisms and degrade water for drinking and water-contact recreation. Sediment runoff rates from construction sites are typically 10 to 20 times that of agricultural lands, with runoff rates as high as 100 times that of agricultural lands, and typically 1,000 to 2,000 times that of forest lands. Even a small amount of construction may have a significant negative impact on water quality in localized areas. Over a short period of time, construction sites can contribute more sediment to streams than was deposited previously over several decades.

For some industrial facilities, the types and concentrations of pollutants in storm water discharges will be similar to the types and concentrations of pollutants generally found in storm water discharges from residential and commercial areas. However, storm water discharges from other industrial facilities will have a significant potential for higher pollutant levels. In addition, pollutant loadings per unit area from some industrial facilities may be high because of a high degree of imperviousness.

Five activities can be identified as major potential sources of pollutants in storm water discharges associated with industrial activity: (1) Loading or unloading of dry bulk materials or liquids; (2) outdoor storage of raw materials or products; (3) outdoor process activities; (4) dust or particulate generating processes; and (5) waste disposal practices. The potential for pollution from many of these activities may be influenced by the use and presence of toxic chemicals. These activities are discussed in more detail below.

(1) Loading and unloading operations typically are performed along facility access roads, railways, and at loading/unloading docks and terminals. These operations include pumping of liquids or gases from truck or rail car to a storage facility or vice versa, pneumatic transfer of dry chemicals to or from the loading or unloading vehicle, transfer by mechanical conveyor systems and transfer of bags, boxes, drums, or other containers from vehicle by forklift trucks or other materials handling equipment. Material spills or losses in areas can discharge directly to the storm drainage systems, or may accumulate in soils or on surfaces, and be washed away during a storm event or facility washdowns.

(2) Outdoor storage activities include the storage of fuels, raw materials, byproducts, intermediates, final products and process

residuals. Storage can be accomplished in various ways, for example, using storage containers (e.g., drums or tanks), platforms or pads, bins, silos, boxes or piles. Materials, containers and material storage areas that are exposed to rainfall and/or runoff can contribute pollutants to storm water when solid materials wash off or materials dissolve into solution.

(3) Other outdoor activities include certain types of manufacturing and commercial operations and land-disturbing operations. Although many manufacturing activities are performed indoors, some activities, such as timber processing, rock crushing, and concrete mixing, typically occur outdoors. Processing operations can result in liquid spillage and losses of material solids to the drainage system or surrounding surfaces or creation of dusts or aerosols, which can be deposited locally. Some outdoor industrial activities cause substantial physical disturbance of land surfaces that result in soil erosion by storm water.

Examples where disturbed land occurs include construction and mining. Disturbed land can result in soil losses and other pollutant loadings associated with increased runoff rates. Facilities whose major process activities are conducted indoors may still apply chemicals such as herbicides, pesticides, and fertilizer outdoors for a variety of purposes.

(4) Dust or paticulate generating processes include industrial activities with stack emissions or process dusts that settle on plant surfaces. Localized atmospheric deposition is a particular concern with heavy manufacturing industries. For example, monitoring of areas surrounding smelting industries has shown much higher levels of metals at sites nearest the smelter (Bearington 1977). Other industrial sites, such as mines, cement manufacturing, and refractories will generate significant levels of dusts.

(5) Waste management practices include operating landfills, waste piles and land application sites that involve land disposal. Outdoor waste treatment operations also include wastewater and solid waste treatment and disposal processes, such as waste pumping, additions of treatment chemicals, mixing, aeration, clarification and solids dewatering. Facilities often conduct some waste management on site.

Coal Pile Runoff. The pollutants in coal pile runoff can be classified into specific types according to chemical characteristics. The type relates to pH of the coal pile drainage. The pH tends to be of an acidic nature, primarily as a result of the oxidation or iron sulfide in the presence of oxygen and water. The potential influence of pH on the behavior of toxic and heavy metals is of particular concern. The

factor affecting acidity, pH and the subsequent leaching of trace metals are:

* Concentration and form of pyritic surfur in coal;
* Size of the coal pile;
* Method of coal preparation and clearing prior to storage;
* Climatic conditions, including rainfall and temperature;
* Concentrations of calcium carbonate and other neutralizing substances in the coal;
* Concentration and form of trace metals in the coal; and
* The residence time in the coal pile.

7. BACKGROUND

The 1972 amendments to the Federal Water Pollution Control Act (referred to as the Clean Water Act or CWA), prohibit the discharge of any pollutant to navigable waters from a point source unless the discharge is authorized by an NPDES permit. Efforts to improve water quality under the NPDES program traditionally and primarily focused on reducing pollutants in discharges of industrial process wastewater and municipal sewage.

However, as pollution control measures were initially developed for these discharges, it became evident that more diffuse sources (occurring over a wide area) of water pollution, such as agricultural and urban runoff are also major causes of water quality problems. Some diffuse sources of water pollution, such as agricultural storm water discharges and irrigation return flows, are statutorily exempted from the NPDES program.

Since enactment of the 1972 amendments to the CWA, considering the rise of economic activity and population, significant progress in controlling water pollution has been made, particularly with regard to industrial process wastewater and municipal sewage.

The "National Water Quality Inventory, 1988 Report to Congress" provides a general assessment of water quality which concluded that pollution from diffuse sources, such as runoff from agricultural, urban areas, construction sites, land disposal and resource extraction, is cited by the states as the leading cause of water quality impairment.

The states conducted a more comprehensive study of diffuse pollution sources under the sponsorship of the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA) and EPA, which indicated that urban runoff is a major cause of beneficial use impairment.

To provide a better understanding of the nature of urban runoff from commercial and residential areas, from 1978 through 1983, EPA provided funding and guidance to the Nationwide Urban Runoff Program (NURP). Data collected under the NURP indicated that on an annual loading basis, suspended solids in discharges from separate storm sewers draining runoff from residential, commercial and light industrial areas are around an order of magnitude greater than solids in discharges from municipal secondary sewage treatment plants.

The Water Quality Act (WQA) of 1987 contains provisions which specifically address storm water discharges. The central WQA provision governing storm water discharges adds section 402(p) to the CWA.

Section 402(p)(4)(A) requires EPA to promulgate final regulations governing storm water permit application requirements for storm water discharges associated with industrial activity and discharges from large municipal separate storm sewer systems. EPA promulgated these storm water application regulations on November 16, 1990 at 47990 FR Vol. 55, No. 222.

The general permit being proposed now is a direct result of this promulgation and constitutes West Virginia's approach to initiating regulation of storm water discharges from industrial activity not heretofore specifically regulated by permit.

8. GENERAL

The Water Resources Section through its permitting system, is responsible for insuring that wastewaters are identified, receive adequate treatment and are disposed of in accordance with federal and State regulations. Usually this requires an individual permit based on a thorough review of the facility's processes and the constituents of its waste stream. The issuance of an individual permit for any facility is obviously a resource intensive and time consuming process for both the permitting agency and the industry.

All parties recognize the immensity of the problem of issuing individual permits for the large number of existing storm water discharges as well as the increasing number of proposed facilities throughout the State, hence, such permitting is currently too resource intensive.

For these reasons, the Section has decided to utilize a general WV/NPDES permit. The Section assumed primacy for the NPDES Program from the U.S. Environmental Protection Agency in 1982. Under 46 CSR 2-13.6 of the West Virginia Legislative Rules, a general permit can be used to regulate "either separate storm sewers or a category of point sources other than separate storm sewers if the sources all:

(a) Involve the same or substantially similar types of operations;
(b) Discharge the same types of wastes;
(c) Require the same effluent limitations or operating conditions;
(d) Require the same or similar monitoring; and
(e) In the opinion of the Chief, are more appropriately controlled under a general permit than under individual permits."

The potential number of facilities requiring coverage under a permit for storm water approximates 3900 fixed facilities. Of these, 3500 is the universe of those with the potential for coverage under the general permit, with the remaining facilities having already been addressed. In addition to these facilities, approximately 500 construction sites are active annually in the State and coverage under the general permit is proposed for these activities as well.

The industrial facilities heretofore regulated by the State have been required to provide information regarding storm water discharges. Such discharges have been addressed in the individual permits issued to these industrial facilities. Such storm water discharges will continue to be regulated by those individual permits. Obviously, continuation of regulation of these sources in this manner is the most efficient approach. If an existing permittee requires a permit modification and storm water is associated with it, the storm water will be addressed in that individual permit. If a facility already holds an individual permit, but feels some storm water discharges have not been addressed, the permittee should request their existing permit to be modified to incorporate such discharge.

9. COVERAGE UNDER THE GENERAL PERMIT

The general permit proposes to provide coverage for any establishment with discharges composed entirely of storm water associated with industrial activity and agreeing to be regulated under the terms of the general permit except for:

(1) Storm water discharges associated with industrial activity from facilities with existing effluent guideline limitations for storm water. These are:

40 CFR 411	Cement Manufacturing
40 CFR 412	Feedlots
40 CFR 418	Fertilizer Manufacturing
40 CFR 419	Petroleum Refining
40 CFR 422	Phosphate Manufacturing
40 CFR 423	Steam Electric
40 CFR 434	Coal Mining
40 CFR 436	Mineral Mining and Processing
40 CFR 440	Ore Mining and Dressing
40 CFR 443	Asphalt Emulsion

(2) Storm water discharges associated with industrial activity from facilities with an existing NPDES individual permit which covers the storm water discharges or which are issued an alternative general permit.

(3) Storm water discharges associated with industrial activity that the Chief has shown to be or may reasonably be expected to contributing to a violation of a water quality standard.

(4) Storm water discharges associated with facilities classified in the following Standard Industrial Classifications (SICs):

12 - Coal Mining - Water Resources Section lacks NPDES authority to regulate this activity.

13 - Oil and Gas Extraction - Regulatory authority is split between Division Of Environmental Protection and Water Resources Section on these activities. In order to expedite coverage for the bulk of facilities needing a storm water permit, this general permit is being pursued now and coverage for oil and gas extraction activities will be addressed in the near future.

33 - Primary Metals - This is an industry for which the EPA has promulgated final effluent limitation guidelines and therefore hold or were previously required to hold a NPDES permit. The agency has previously addressed storm water in the individual permits for these facilities and no further coverage is necessary. (In these situations where a primary metals facility is providing pretreatment for the industrial wastes, in accordance with the regulations, and transferring the wastes to a POTW which has been granted the proper permit or authority to accept such wastes, the industry is eligible for coverage under the general permit for the discharge composed entirely of storm water.)

2491 - Wood Preserving - This is an industry for which the EPA has promulgated final effluent limitation guidelines and therefore hold or were previously required to hold a NPDES permit. The agency has previously addressed storm water in the individual permits for these facilities and no further coverage is necessary. The agency feels that due to the materials handled at these facilities, they can be best regulated under individual permits.

(5) Landfills - The Waste Management Section and Water Resources Section both consider the storm water at these facilities and impose requirements as necessary in the joint Chapter 20, Article 5A/5F permit. Therefore, no further coverage is necessary.

(6) Storm water discharges associated with publicly owned treatment works (POTWs) - The storm water requiring permit coverage from these facilities are or will be addressed in the individual permits issued to or held by these facilities. Therefore, no further coverage is necessary.

EPA has made clarification on facilities that do not have storm water discharges associated with industrial activity. Although the State does not necessarily agree with EPA's determinations, to meet the objective of issuing a general permit for storm water discharges associated with industrial activity as promptly as possible, we are not, in this general permit, contesting EPA's determinations. However, for any of the facilities EPA has determined that is not required to submit a storm water application, if such storm water discharges are shown to be or may reasonably be expected to contribute to a violation of a water quality standard, the State will require a permit be applied for. Attachment II of this FACT SHEET provides a copy of the clarification EPA has provided to date.

10. OVERVIEW

Section 402(p) of the CWA requires storm water discharges associated with industrial activity to comply with Sections 301 and 402 of that Act. These sections require control of the discharges of pollutants that utilize Best Available Technology (BAT) and Best Conventional Pollutant Control Technology (BCT) and where necessary, water quality-based controls. Permits for discharges from municipal separate storm sewer systems (which are not being covered by this general permit) must require controls to reduce the discharge of pollutants to the maximum extent practicable, and where necessary water quality-based controls, and must include a requirement to effectively prohibit non-storm water discharges into the storm sewer.

To implement these requirements, the State will review the analyses and data submitted on the site registration application form and determine the eligibility of a facility to obtain coverage under the general permit. If the review determines that BCT/BAT and any water quality-based requirements are in place or may be achieved through implementation of the storm water pollution prevention plan (SWPPP), then coverage can be provided. If the information submitted reveals that some wastewater treatment facilities will be required, then coverage under the general permit will not be allowed and the facility will be required to apply for and obtain an individual NPDES permit and provide the treatment facilities necessary to comply with BCT/BAT and any water quality-based requirements. No interim coverage by the general permit will be provided in this latter situation.

During the term of the permit, the Discharge Monitoring Reports will be reviewed and in conjunction with the inspection and enforcement efforts required at the regulated facilities, the Section will determine the necessity of going to further tiers of permit coverage. Potential further tiers could lead to general permits by watershed, be industry specific or require individual permits.

11. MONITORING REQUIREMENTS

Any SARA Title III, Section 313 facilities, operations with coal pile runoff and land application units covered by this permit will be required to sample, analyze and submit Discharge Monitoring Reports for the designated parameters two times per year.

All other facilities covered by the permit, except construction, will be required to sample, analyze and submit Discharge Monitoring Reports for the designated parameters once per year.

Construction activities are usually of short duration less than one year, and the pollutant asociated with construction is primarily sediment. Many of the measures used to minimize pollution for land disturbing activity are preventative i.e., best management practices (BMPs), not subject to effluent limits nor do they generally include those designated parameters of concern.

12. WHEN TO APPLY

The EPA storm water regulation requires an individual application be submitted by October 1, 1992 if the facility has not been included in a group application submitted to EPA headquarters and the group or specific facilities within the group, have not been rejected for coverage or if the facility has not made application for general permit coverage within 180 days of its availability. Therefore, for the scope of facilities which may potentially obtain coverage under this general permit, the following is applicable: (1) For those operating without a permit, they must submit a site registration application form within 180 days of the effective date of the general permit in order to obtain coverage; and (2) For any person proposing a new discharge, a site registration application form should be submitted at least 180 days prior to commencing operations. Applications for proposed discharges must be publicly noticed prior to being covered by the general permit.

Any person with an existing permit for storm water only and wishing to be covered under the general permit shall submit a site registration application form at least 180 days before the expiration date of their existing permit.

The application for construction activities requiring coverage must be submitted at least thirty (30) days prior to starting the project.

13. SECTION BY SECTION RATIONALE

Section A. This portion of the permit establishes the discharge limitations, if any, and the monitoring requirements for permittees. The representation for the categories proposed for coverage under this general permit essentially mirror the requirements EPA will be imposing in general permits they issue where they have primacy for the NPDES program. (Refer to Vol. 56, No. 158 of the Federal Register, dated August 16, 1991, page 40948).

A.1. SARA Title III, Section 313 Facilities

The following eight parameters have been identified as base-line parameters that generally form the foundation for different monitoring requirements in the permit: Oil and grease, pH, five-day

biochemical oxygen demand (BOD5), chemical oxygen demand (COD), total suspended solids (TSS), total phosphorus, total Kjeldahl nitrogen (TKN), and nitrate plus nitrite nitrogen.

Oil and grease is a common industrial pollutant which can be indicative of material management, housekeeping and transportation activities. TSS is a common pollutant found in storm water discharges that reflects surface disturbances and material management practices, and can have significant impacts on receiving waters. Oxygen demand (COD and BOD5) will help the permitting authority evaluate the oxygen depletion potential of the discharge. BOD5 is the most commonly used indicator of oxygen demand. COD is considered a more inclusive indicator of oxygen demand especially where metals interfere with the BOD5 test, and generally is better suited for comparing the oxygen demand of a storm water discharge with that of other discharges. The pH will provide important information on the potential availability of metals to the receiving flora, fauna, and sediment. In some cases it will provide information regarding material management. Total phosphorus, TKN, nitrate plus nitrite nitrogen are measures of nutrients that can impact water quality.

In addition to baseline monitoring requirements for these facilities required to be performed twice per year, an acute whole effluent toxicity (WET) limit is imposed, due to the varied and large amounts of toxic chemicals found at these facilities. This WET limit will be effective three years following the effective date of this permit. See G.4. rationale regarding the 20% mortality limit. Also, any Section 313 water priority chemical the particular facility is subject to reporting requirements for, must be monitored for in the storm water discharges. Attachment I of this FACT SHEET identifies these chemicals.

Any untreated overflow from containment facilities properly designed, constructed and operated to treat the volume of runoff associated with a 24 hour, 25 year rainfall event is not subject to the WET limitation. The 24 hour, 25 year rainfall event is the most commonly used design storm for BAT national effluent limitations guidelines which address storm water. The 24 hour, 25 year rainfall event provides a reasonable margin of safety when sizing secondary containment units.

A.2. Coal Pile Runoff

Coal pile runoff has been shown to contain significant levels of suspended solids, copper, iron, aluminum, nickel, zinc and other trace metals. Those storm water discharges associated with industrial activity from coal piles requiring coverage by this permit shall be monitored two times per year for: Oil and grease, pH, TSS, total nickel and total zinc.

The monitoring requirements for storm water discharges associated with industrial activity from coal piles support the effluent limitations for pH and TSS in this permit. The three metals, total copper, total nickel and total zinc have been shown to be at concentrations of concern in coal pile runoff. Oil and grease is a common industrial pollutant which can be indicative of material management, housekeeping and transportation activities. These effluent limitations are very similar to the effluent guideline limitations for coal pile runoff from steam electric facilities.

The limitations for TSS and pH do not apply to any untreated overflow from facilities properly designed, constructed and operated to treat the volume of coal pile runoff which is associated with a 25 year, 24 hour rainfall event. Providing a limit to effluent guidelines for events that exceed a specified storm event provides operators with a basis for installing and operating a treatment system, as the design of the system, particularly the collection devices, will depend on the design storm chosen. The 25 year, 24 hour storm is most commonly used in the BAT national effluent limitations guideline that have been developed by EPA. The effluent guideline limitation for coal pile runoff from facilities in the steam electric power generating point source category at 40 CFR 423.12(b)(9) incorporates a 10 year, 24 hour design storm into a best practicable control technology currently available (BPT) limit. BCT and BAT effluent limitation guidelines for coal pile runoff are currently reserved. The agency believes that the appropriate design storm for coal pile runoff addressed by these permits is the more stringent 25 year, 24 hour design storm as these permits establish BAT/BCT limits (which are typically more stringent than BPT limits), and the 25 year, 24 hour storm is more commonly used in effluent guideline limitations based on the BAT or BCT standards.

A.3. Land Application Units

A diverse range of industrial wastes may be involved in land application. Land application units contribute to surface and groundwater contamination. The parameters addressed by the monitoring requirements are similar to those groundwater monitoring requirements established for municipal landfills. It is believed that pollutants identified for the purpose of evaluating groundwater quality at land application units should also be considered when evaluating storm water discharges. Given the wide range of materials that may be applied at these facilities, many pollutants may potentially be found in storm water. For this reason, a WET limit is imposed and will be effective three years following the effective date of this permit. See the G.4. rationale regarding the 20% mortality limit.

A.4. Other Facilities (Excluding Construction)

Operators of storm water discharges covered by the general permit which are not subject to any other specific monitoring requirement under this permit shall monitor their storm water discharges associated with industrial activity once a year for the following baseline parameters: Oil and grease, pH, BOD5, COD, TSS, total phosphorus, total Kjeldahl nitrogen and nitrate plus nitrite nitrogen. These baseline parameters are expected to exist in most storm water discharges, as discussed above regarding A.1.

Section B. Schedule of Compliance

Facilities being granted coverage under the general permit are required to be in compliance when coverage is obtained. However, SARA Title III facilities and land application units have three (3) years from the effective date of the permit to achieve compliance with the WET limits, as discussed further in Section G.4.

Section C. Management Conditions

This section is boiler plate language essentially extracted from Series II of the West Virginia Legislative Rules of the State Water Resources Board (46 CSR2). The Board's rules establish that every NPDES permit contains certain standard conditions.

Section D. Operation and Maintenance

This section is boiler plate language essentially extracted from Series II of the West Virginia Legislative Rules of the State Water Resources Board (46 CSR2).

Section E. Monitoring and Reporting

This section is boiler plate language essentially extracted from Series II of the West Virginia Legislative Rules of the State Water Resources Board (46 CSR2). In addition, definitions are included which relate to the storm water permitting program.

Section F. Other Reporting

This section is boiler plate language essentially extracted from Series III of the West Virginia Legislative Rules of the State Water Resources Board (46 CSR2).

Section G. Other Requirements

This section encompasses the requirements specific to the storm water permitting program and those facilities subject to regulation under the general permit.

G.1. This paragraph simply depicts the situations in which the Chief may require a facility covered by the permit to be covered by a different permit or when such facility may approach the Chief on its own initiative to obtain coverage by a different permit.

G.2. Self-explanatory.

G.3. This paragraph clarifies that the reporting requirements of the general permit do not relieve the permittee of the reporting requirements of 40 CFR 117 and 40 CFR 302, regarding reportable quantities.

G.4. This paragraph details the toxicity testing requirements of Sections A.1. and A.3. of the permit. It also clarifies that SARA Title III, Section 313 facilities as well as land application units have three (3) years from the effective date of this general permit to achieve compliance with the WET limits. Because of the large number of chemicals found at SARA Title III, Section 313 facilities and at land application sites, toxicity testing and limitations are warranted.

EPA has defined toxicity for use as a technology-based limit as not being lethal to 20% or more of the most sensitive of either appropriate fish or invertebrate test organisms.

Since these discharges are generated from limited-size, specific storage and material handling areas and application areas, a wide range of technologies are available to reduce the toxicity of the limited volume of storm water that is subject to the WET effluent limitation. We anticipate that most storm water discharges from these areas at well-maintained facilities with good housekeeping practices will not exhibit acute toxicity. For the majority of storm water discharges that do exhibit acute toxicity, the toxicity can be reduced by improving storage or material handling procedures, practices or equipment.

G.5. This paragraph details the requirements of the storm water pollution prevention plans (SWPPP) which must be developed for each facility covered by the general permit.

The general permit basically establishes monitoring requirements rather than specific effluent limitations for the storm water discharges, with noted exceptions as discussed above in A.1. and A.2. Section 402(p) of the CWA requires compliance with Section 301 of the CWA for these discharges. This means that the quality of the discharges must meet technology-based treatment requirements which represent the minimum levels of control. If such treatment technology levels do not lead to compliance with water quality standards, then additional requirements must be imposed to insure compliance. This permit, in effect is allowing permittees an opportunity to only monitor and report the analyses of such discharges, while at the same time, prepare a

comprehensive storm water pollution prevention plan within 180 days of permit issuance for existing facilities. These facilities shall be in compliance with this plan within 365 days of coverage by the permit. New facilities desiring coverage must have their SWPPP completed and submitted with their site registration application form and shall be in compliance with them upon initiation of operation. However, for existing construction activities, plans shall be completed within 30 days of coverage by this permit. The plan must provide for compliance within 30 days. As with all other facilities, new construction activities must have completed this plan prior to submitting the registration application form to provide for compliance when the activity is initiated. These plans shall be available, upon request, to the Chief, or authorized representative. It is believed the best approach to eliminating contaminated storm water discharges is to prevent, to the degree possible, the storm water from becoming contaminated. The requirements in the general permit are intended to provide for this. An alternative, of course, is for the facility to collect and treat all storm water. If a facility would opt to do this, then they will need to pursue the individual permit approach. The approach in this general permit provides some time for the permittee, which is an existing facility or activity, to make efforts to reduce contaminated discharges of storm water. If the plans are completed as required and monitoring demonstrates an acceptable discharge quality, then Section 301 requirements will have been deemed to be complied with and no additional requirements would be made. However, if the SWPPP is not pursued or is not successful in fulfilling Section 301 requirements, the facility will be required to obtain an individual permit which could require construction of necessary treatment facilities to meet the technology-based requirements of Section 301 and possibly water quality-based requirements.

The SWPPP lays out a very methodical approach to accomplishing the goal of eliminating or minimizing contamination of storm water discharges. The plan is basically an approach to preventing storm water from becoming contaminated by the use of sound engineering practices.

G.6. This paragraph serves as a reopener mechanism to go back to a permittee covered under the general permit and place any necessary additional requirements upon the facility as necessary, due to potential or realized water quality impacts by the facility's storm water discharges.

G.7. Due to the time constraints imposed by the Clean Water Act and the EPA storm water regulations for facilities to make necessary applications for permit coverage, the need to provide coverage exists long before sufficient time would be provided to develop a model general permit. Therefore, this section of the permit is provided to recognize this fact and provide for both more and less stringent conditions in any modified storm water general permit or future storm water general permit.

The State of West Virginia, Division of Natural Resources, Water Resources Section, has made a tentative decision to issue the storm water general permit identified in this Fact Sheet. In order to provide public participation on the proposed issuance of the permit, the following information is being supplied in accordance with Series II, Section 11.3.e.3. of the West Virginia Legislative Rules of the State Water Resources Board.

Persons wishing to comment on the draft permit may submit them in writing and/or attend the public hearings to submit written and oral statements to the Water Resources Section. Written comments on the draft permit will be accepted until . Comments should be addressed to:

Chief, Water Resources Section, DNR
1201 Greenbrier Street
Charleston, WV 25311
ATTN: Jim Waycaster, Public Information Representative

The Water Resources Section will hold the following public hearings on the proposal at the following times and places:

Time:
Place:

Time:
Place:

Time:
Place:

Time:
Place:

The hearings will be held pursuant to Chapter 20, Article 5A, Code of West Virginia, and Series II, Section 46-2-12 of the West Virginia Legislative Rules. Oral statements will be heard; however, submission of statements in writing is encouraged for the accuracy of the record. All comments will be considered before a final decision is made on the permit.

Copies of the General Permit and Fact Sheet can be obtained, at nominal cost, upon request by contacting the public information office at the address above or by calling (304) 348-0375.

The Draft Permit and Fact Sheet may be inspected, by appointment, between 8:30 a.m. and 4:30 p.m., Monday through Friday, at the Water Resources Section Public Information Office, at 1201 Greenbrier Street, Charleston, WV. Also the draft and fact sheet may be reviewed at DNR District Offices in Fairmont, Parkersburg, MacArthur, Romney, St. Albans and French Creek.

ATTACHMENT I

ORIGINAL (Red)

SECTION 313 WATER PRIORITY CHEMICALS

CAS Number	Common Name
75-07-0	Acetaldehyde
107-02-8	Acrolein
107-13-1	Acrylonitrile
309-00-2	Aldrin[1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-(1.alpha.,4.alpha.,4a.beta.,5.alpha.,8.alpha.,8a.beta.)-]
107-05-1	Allyl Chloride
7664-41-7	Ammonia
62-53-3	Aniline
120-12-7	Anthracene
7440-36-0	Antimony
7440-38-2	Arsenic
1332-21-4	Asbestos (friable)
71-43-2	Benzene
92-87-5	Benzidine
98-88-4	Benzoyl chloride
100-44-7	Benzyl chloride
7440-41-7	Beryllium
111-44-4	Bis(2-chloroethyl) ether
75-25-2	Bromoform
74-83-9	Bromomethane (Methyl bromide)
85-68-7	Butyl benzyl phthalate
7440-43-9	Cadmium
133-06-2	Captan [1H-Isoindole-1,3(2H)-dione,3a,4,7,7a-tetrahydro-2-[(trichloromethyl)thio]-]
63-25-2	Carbaryl [1-Naphthalenol, methylcarbamate]
75-15-0	Carbon disulfide
56-23-5	Carbon tetrachloride
57-74-9	Chlordane [4,7-Methanoindan,1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-]
7782-50-5	Chlorine
108-90-7	Chlorobenzene
75-00-3	Chloroethane (Ethyl chloride)
67-66-3	Chloroform
74-87-3	Chloromethane (Methyl chloride)
7440-47-3	Chromium
7440-50-8	Copper
108-39-4	m-Cresol
9548-7	o-Cresol
106-44-5	p-Cresol
1319-77-3	Cresol (mixed isomers)
110-82-7	Cyclohexane
94-75-7	2,4-D [Acetic acid, (2,4-dichlorophenoxy)-]
106-93-4	1,2-Dibromoethane (Ethylene dibromide)
84-74-2	Dibutyl phthalate
25321-22-6	Dichlorobenzene (mixed isomers)
95-50-1	1,2-Dichlorobenzene
541-73-1	1,3-Dichlorobenzene
106-46-7	1,4-Dichlorobenzene

(Continued)

ATTACHMENT I (continued)

91-94-1	3,3'-Dichlorobenzidine
75-27-4	Dichlorobromomethane
107-06-2	1,2-Dichloroethane (Ethylene dichloride)
120-83-2	2,4-Dichlorophenol
78-87-5	1,2-Dichloropropane
542-75-6	1,3-Dichloropropylene
62-73-7	Dichlorvos [Phosphoric acid, 2,2-dichloroethenyl dimethyl ester]
115-32-2	Dicofol [Benzenemethanol, 4-chloro-.alpha.-(4-chlorophenyl)-.alpha.-(trichloromethyl)-]
177-81-7	Di-(2-ethylhexyl phthalate (DEHP)
84-66-2	Diethyl phthalate
105-67-9	2,4-Dimethylphenol
131-11-3	Dimethyl phthalate
534-52-1	4,6-Dinitro-o-cresol
51-28-5	2,4-Dinitrophenol
121-14-2	2,4-Dinitrotoluene
606-20-2	2,6-Dinitrotoluene
117-84-0	n-Dioctyl phthalate
122-66-7	1,2-Diphenylhydrazine (Hydrazobenzene)
106-89-8	Epichlorohydrin
100-41-4	Ethylbenzene
50-00-0	Formaldehyde
76-44-8	Heptachlor [1,4,5,6,7,8,8-Heptachloro-3a,4,7,7a-tetrahydro-4,7-methano-1H-indene]
118-74-1	Hexachlorobenzene
87-68-3	Hexachloro-1,3-butadiene
77-47-4	Hexachlorocyclopentadiene
67-72-1	Hexachloroethane
7647-01-0	Hydrochloric acid
74-90-8	Hydrogen cyanide
7664-39-3	Hydrogen fluoride
7439-92-1	Lead
58-89-9	Lindane [Cyclohexane, 1,2,3,4,5,6-hexachloro-(1.alpha.,3.beta.,4.alpha.,5.alpha.,6.beta.)-]
108-31-6	Maleic anhydride
7439-97-6	Mercury
72-43-5	Methoxychlor [Benzene, 1,1'-(2,2,2-trichloroethylidene)bis[4-methoxy-]
80-62-6	Methyl methacrylate
91-20-3	Naphthalene
7440-02-0	Nickel
7697-37-2	Nitric acid
98-95-3	Nitrobenzene
88-75-5	2-Nitrophenol
100-02-7	4-Nitrophenol
62-75-9	*N*-Nitrosodimethylamine
86-30-6	*N*-Nitrosodiphenylamine
621-64-7	*N*-Nitrosodi-n-propylamine
56-38-2	Parathion [Phosphorothioic acid, O,O-diethyl-O-(4-nitrophenyl) ester]
87-86-5	Pentachlorophenol (PCP)
108-95-2	Phenol
75-44-5	Phosgene
7664-38-2	Phosphoric acid

(Continued)

ORIGINAL (Red)

ATTACHMENT I

7723-14-0	Phosphorus (yellow or white)
1336-36-3	Polychlorinated biphenyls (PCBs)
75-56-9	Propylene oxide
91-22-5	Quinoline
7782-49-2	Selenium
7440-22-4	Silver
1310-73-2	Sodium hydroxide (solution)
100-42-5	Styrene
7664-93-9	Sulfuric acid
79-34-5	1,1,2,2-Tetrachloroethane
127-18-4	Tetrachloroethylene (Perchloroethylene)
7440-28-0	Thallium
108-88-3	Toluene
8001-35-2	Toxaphene
52-68-6	Trichlorfon [Phosphonic acid, (2,2,2-trichloro-1-hydroxyethyl)-dimethylester]
120-82-1	1,2,4-Trichlorobenzene
71-55-6	1,1,1-Trichloroethane (Methyl chloroform)
79-00-5	79-00-51,1,2-Trichloroethane
79-01-6	Trichloroethylene
95-95-4	2,4,5-Trichlorophenol
88-06-2	2,4,6-Trichlorophenol
7440-62-2	Vanadium (fume or dust)
108-05-4	Vinyl acetate
75-01-4	Vinyl chloride
75-35-4	Vinylidene chloride
108-38-3	m-Xylene
95-47-6	o-Xylene
106-42-3	p-Xylene
1330-20-7	Xylene (mixed isomers)
7440-66-6	Zinc (fume or dust)

ATTACHMENT II

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT - 2 1991

OFFICE OF
WATER

MEMORANDUM

SUBJECT: **Clarification on Facilities that Do Not Have Storm Water Discharges Associated with Industrial Activity**

FROM: William F. Swietlik, Chief
Storm Water Section, OWEC

TO: Storm Water Coordinators:
EPA Regions I-X
NPDES States

The purpose of this memorandum is to provide you with some follow-up guidance for determining the types of industrial facilities that are, or are not, covered by the NPDES storm water permit application regulation (55 FR 47990) under the definition of "storm water discharge associated with industrial activity".

For the most part, the definition of storm water discharge associated with industrial activity is self-explanatory. However, there are certain categories of industries described by the Standard Industrial Classification (SIC) codes cited in the regulation that need additional clarification to determine if they are required to submit a storm water permit application.

During Headquarters' review of the over 800 group applications that have been submitted prior to September 30, 1991, we have advised group applicants as to whether or not the industrial activities included in their group applications were activities that are correctly covered under the storm water program.

Because of the number of applications and the need to process them as quickly as possible, we have not been able to consult with you on the advice we have provided to group applicants. However, I would like to take this opportunity to provide you with a summary of the most common issues that have arisen pertaining to the use of SIC codes in determining regulatory coverage under the storm water permit application regulation.

(Continued)

The following is a listing of the SIC code coverage determinations that were made in response to storm water permit group applications.

Transportation Facilities:

Section 122.26(b)(14)(viii) identifies certain types of transportation facilities classified under Standard Industrial Classification (SIC) 40-45 and 5171 (except 4221-4225) as having to submit storm water discharge applications. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, or airport deicing operations are required to be permitted. Transportation facilities which are not engaged in such activities are not required to apply for storm water discharge permits under 122.26. A facility must be described by an SIC code identified in the regulation to be addressed by this provision.

SIC code classification is based upon the activity in which an establishment is primarily engaged. For example, facilities primarily engaged in the maintenance of vehicles used for highway construction and maintenance are not required to apply for storm water discharge permits. The Agency believes that such facilities are properly classified under Standard Industrial Classification (SIC) code 16. SIC code 16 includes facilities that are primarily engaged in the construction or maintenance of highways and streets, bridges, and sewers. SIC code 16 facilities are not classified as industrial activities under the storm water discharge application rule.

SIC code 4151 addresses facilities primarily engaged in operating buses to transport pupils to and from school. However, SIC code 4151 does not address school bus facilities operated by educational institutions, which should be classified under SIC code 8211. Therefore, school bus facilities operated by an educational institution are not addressed by the regulatory definition of storm water discharge associated with industrial activity, whereas school bus facilities operated by contractors that are primarily engaged in operating the buses are addressed by the definition.

Refuse transportation facilities with vehicle maintenance shops (including transfer stations) that provide refuse hauling services in conjunction with owning or operating the disposal site, are classified under Standard Industrial Classification (SIC) code 4953. Facilities classified under SIC code 4953 are not required to apply for a storm water

discharge permit. However, facilities under SIC code 421, which include refuse transportation facilities that provide refuse hauling services only and do not own or operate the disposal facility itself, are required to submit a storm water discharge permit application under 122.26(b)(14)(viii).

Facilities primarily engaged in police or fire fighting vehicle maintenance, mechanical repairs, equipment cleaning, fueling and lubrication are not required to file storm water discharge permit applications. The Agency believes that such facilities are properly classified under Standard Industrial Classification (SIC) code 92. SIC code 92 includes government establishments primarily engaged in justice, public order and safety. These types of activities are not required to submit permit applications under 122.26(c).

Facilities primarily engaged in park and park services vehicle maintenance, mechanical repairs, equipment cleaning, fueling and lubrication are not required to file storm water discharge permit applications. The Agency believes that such facilities are properly classified under Standard Industrial Classification (SIC) code 7999. SIC code 7999 includes establishments primarily engaged in providing recreational services. These types of activities are not required to submit permit applications under 122.26(c).

Section 122.26(b)(14)(viii) requires vehicle maintenance activities under SIC code 42 to submit permit applications for storm water discharges. SIC code 42 includes facilities primary engaged in providing trucking services. Trucking services described under SIC code 42 do not include facilities that are primarily engaged in activities other than providing trucking services, but which incidentally maintain their own vehicles on or off-site. Such facilities would be classified by the SIC code that describes the primary activity in which they are engaged, which would include the incidental maintenance of a support fleet of trucks.

Facilities primarily engaged in performing services which may incidentally use airplanes (e.g. crop dusting and aerial photography) are classified according to the service performed.

Facilities primarily engaged in performing vehicle maintenance, and equipment cleaning in support of providing electric, gas and sanitary services are not required to file storm water discharge permit applications. The Agency believes that such facilities are properly classified under Standard Industrial Classification (SIC) code 49. Facilities classified under SIC code 49 are not classified as industrial activities and are not required to submit permit applications under 122.26(c).
Facilities primarily engaged in performing vehicle maintenance, equipment cleaning, and the storing, mixing and transferring of pesticides in support of mosquito control programs are not required to file storm water discharge permit applications. The Agency believes that such facilities are properly classified under Standard Industrial Classification (SIC) code 4959. Facilities classified under SIC code 4959 are not classified as industrial activities and are not required to submit permit applications under 122.26(c).

Facilities primarily engaged in short-term rental of passenger cars without drivers are not required to file storm water discharge permit applications. The Agency believes that such facilities are properly classified under Standard Industrial Classification (SIC) code 7514. Facilities classified under SIC code 7514 are not classified as industrial activities and are not required to submit permit applications under 122.26(c).

Landfills

Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under 40 CFR 122.26(b)(14)) including those that are subject to regulation under subtitle D of the Resource Conservation and Recovery Act (RCRA) are addressed by the regulatory definition of "storm water discharge associated with industrial activity" at 40 CFR 122.26(b)(14)(v). This includes inactive and closed facilities that meet the specified criteria and that have storm water discharges. Permit application requirements are described at 40 CFR 122.26(c) and are identical for both active, inactive and closed sites with storm water discharges associated with industrial activity.

Change in Operator/Owner

The current operator of a facility with a storm water discharge associated with industrial activity is responsible for submitting the discharge permit application. When a facility is owned by one person but operated by another

person, it is the operator's duty to obtain a permit. In the case of a landfill that had been owned or operated by a municipality in the past, but is now operated by a private entity, the current operator is responsible for submitting a permit application.

Exposure

Facilities classified under the storm water regulation at section 122.26(b)(14)(xi) are not required to submit storm water discharge permit applications unless material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. However, once exposure occurs, the application requirements are triggered. This includes exposure that has occurred in the past, as well as ongoing exposure. Accidental spills, minor leaks, loss during loading and unloading and other types of intermittent sources of exposure should be considered when determining whether exposure to storm water has occurred.

Wholesale/Retail

Facilities primarily engaged in the wholesale or retail distribution of cement are not required to file storm water discharge permit applications. The Agency believes that such facilities are properly classified under Standard Industrial Classification (SIC) code 503. Facilities classified under SIC code 5032 are not classified as industrial activities and are not required to submit permit applications under 122.26(c). Facilities involved in manufacturing cement are classified in major SIC code group 32 and are covered under the storm water program.

Facilities primarily engaged in the wholesale or retail distribution of fertilizer or pesticides are not required to file storm water discharge permit applications. The Agency believes that such facilities are properly classified under Standard Industrial Classification (SIC) code 5191. Facilities classified under SIC code 5191 are not classified as industrial activities and are not required to submit permit applications under 122.26(c).

Facilities primarily engaged in the manufacturing of fertilizers and pesticides and/or the manufacturer blending or mixing of such are classified under 287, Agricultural Chemicals, and are required to submit storm water permit applications.

Miscellaneous

Isolated salt storage facilities are not classified as industrial activity under section 122.26(b)(14) of the storm water discharge application rule. Therefore, such facilities should not submit storm water discharge permit applications according to 122.26(c).

If you have questions or concerns about these determinations, feel free to contact me at FTS (202) 260-9529, or Tom Seaton at FTS (202) 260-4204.

FACT SHEET ADDENDUM

The Fact Sheet available prior to public notice has had any errors in it corrected. Some clarifications have been made in the General Permit. However, due to changes resulting in the final General Permit from that which was reviewed during the public notice and comment period, due to public input, this fact sheet addendum will address those changes or additions.

Section A.4. monitoring requirements for phosphorus and total Kjeldahl nitrogen for unclassified facilities has been deleted as not believed necessary.

Section G.8. has been added to provide for a large number of small operations in a particular SIC code to provide a generic Storm Water Pollution Prevention Plan (SWPPP) for those operations to offer an opportunity for reduced monitoring requirements after permit coverage.

The following changes and/or additions have been made exclusively for construction activities.

Initially, the agency proposed that construction sites exceeding one (1) acre of actual soil disturbance require a storm water general WV/NPDES permit. The agency still believes that because of the soils, geology and geography of the State, a more stringent standard than the five acre federal limit is needed to provide adequate surface water protection.

Based upon substantial public comment, the agency has decided to require permit coverage for projects which involve soil disturbance of three (3) or more acres.

This compromise position was reached after deliberation with the West Virginia Homebuilders Association and is based on the commitment that developers involved in construction activities with soil disturbance less than three (3) acres will file, with the Water Resources Section, a Letter of Intent and submit a sediment control plan. There will be no 30-day advance notice for projects in this category.

Under Section G.5.e)(2)(B) of the General Permit a description of measures to control pollutants from post-construction storm water discharges is required. This provision is intended to encourage the consideration of long term protection from storm water impacts which would involve sophisticated engineering designs. Although the permittee will be responsible for off-site impacts from the site, both during and after construction, the agency does not intend to

enforce post-construction storm water practices as part of the General Permit beyond the expiration of coverage. The permittee is responsible for implementation and maintenance of all permit requirements for a period of 90 days beyond the completion date of the project, as specified in the application, to allow for satisfactory reclamation. (See additional Section G.9. of the General Permit).

Construction projects in progress upon the issuance date of the General Permit and having a current sediment control plan approved by the Water Resources Section, will be exempt from obtaining storm water permits. Plans for existing construction projects, not meeting this criteria, shall be completed and submitted within 30 days of issuance by this permit.

Section G.5.e)(2)(C) states that all unpaved roads on the site carrying more than 25 vehicles per day shall be graveled. This is intended to apply only to existing public or private roads located within the construction project (ex. unpaved state maintained road). It does not include roads used by construction equipment for hauling, placing or removing overburden material within the construction project that are protected by erosion and sediment control practices.

During the developmental stages of implementing the storm water General Permit, the Water Resources Section will rely on existing staffing to manage the anticipated demand associated with the program requirements. However, implementation cannot be delayed until sufficient funding and personnel can be obtained. Therefore, the agency must utilize its current resources to meet EPA commitments. It has been determined that if an application has been received by the agency, and the 30 day review period has elapsed without the applicant being advised of the application status; then, the application is automatically approved. This approval does not, however, exempt the activity from upgrading sediment control measures that are ineffective in meeting state water quality standards and requirements of the permit.

ORIGINAL (Red)

WRD 1A-82
Revised 7-91

STATE OF WEST VIRGINIA
DIVISION OF NATURAL RESOURCES
WATER RESOURCES SECTION
1201 Greenbrier Street
Charleston, West Virginia 25311

GENERAL
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WATER POLLUTION CONTROL PERMIT

Permit No. WV0111457

Subject: Storm Water Associated With Industrial Activity

Issue Date: June 8, 1992
Effective Date: July 8, 1992
Expiration Date: June 7, 1997

To whom it may concern:

This is to certify that any establishment with discharges composed entirely of storm water associated with industrial activity and agreeing to be regulated under the terms of this general permit, except for:

1. Storm water discharges associated with industrial activity from facilities with existing effluent guideline limitations for storm water (Refer to list on page 2).

2. Storm water discharges associated with industrial activity from facilities with an existing NPDES individual permit which covers the storm water discharges or which are issued a permit in accordance with paragraph G.1. a.-c. of this permit.

3. Storm water discharges associated with industrial activity that the Chief has shown to be or may reasonably be expected to be contributor to a violation of a water quality standard.

4. Storm water discharges associated with facilities classified in the following Standard Industrial Classifications (SICs):

12 - Coal Mining
13 - Oil and Gas Extraction
33 - Primary Metals (Refer to page 2)*
2491 - Wood Preserving

5. Landfills.

6. Storm water discharges associated with publicly owned treatment works (POTWs).

is hereby granted coverage under this General WV/NPDES Water Pollution Control Permit to allow storm water discharges into the waters of the State.

(Continued on Page 2)

This permit is subject to the following terms and conditions:

The information submitted on and with the site registration application form will hereby be made terms and conditions of the permit with like effect as if all such information were set forth herein, and other conditions set forth in Sections A, B, C, D, E, F and G.

Categories of industrial discharges for which EPA has promulgated effluent guidelines for storm water discharges:

40 CFR 411	Cement Manufacturing
40 CFR 412	Feedlots
40 CFR 418	Fertilizer Manufacturing
40 CFR 419	Petroleum Refining
40 CFR 422	Phosphate Manufacturing
40 CFR 423	Steam Electric
40 CFR 434	Coal Mining
40 CFR 436	Mineral Mining and Processing
40 CFR 440	Ore Mining and Dressing
40 CFR 443	Asphalt Emulsion

* Primary Metals facilities are eligible for coverage under this general permit, if the facility is providing pretreatment for the industrial wastes, in accordance with the regulations and is transferring the wastes to a POTW which has been granted the proper permit or authority to accept such wastes and the facility has a discharge composed entirely of storm water.

A.1. **DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS – SARA Title III, Section 313 Facilities**

During the period beginning **effective date of permit** and lasting through midnight, **expiration date of permit** the permittee is authorized to discharge from outlet number(s) *

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations (Quantity) lbs/day Avg. Monthly	Max. Daily	Other Units (Specify) Avg. Monthly	Max. Daily	Monitoring Requirements Measurement Frequency	Sample **** Type
Oil & Grease	N/A	N/A	N/A	Monitor mg/l	1/6 months	
BOD-5	N/A	N/A	N/A	Monitor mg/l	1/6 months	
Chemical Oxygen Demand	N/A	N/A	N/A	Monitor mg/l	1/6 months	
Total Suspended Solids	N/A	N/A	N/A	Monitor mg/l	1/6 months	
Total Kjeldahl Nitrogen	N/A	N/A	N/A	Monitor mg/l	1/6 months	
Phosphorus	N/A	N/A	N/A	Monitor mg/l	1/6 months	
Acute Toxicity	N/A	N/A	N/A	20 %Mortality	1/6 months	**
Others***	N/A	N/A	N/A	Monitor ug/l	1/6 months	

Provide the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled. Any untreated overflow from facilities designed, constructed and operated to treat the volume of runoff from areas identified above which is associated with a 25 year, 24 hour rainfall event shall not be subject to acute toxicity limitation.

* Each outlet shall be sampled and analyzed separately. Identify as 001, 002, 003, etc., on DMRs.

** See Section G.4.

*** For any Section 313 water priority chemicals subject to the reporting requirements under Section 313 of the Emergency Planning and Community Right to Know Act of 1986.

**** See E.1. Applicable to all parameters except Acute Toxicity.

The pH shall not be less than N/A **standard units and not greater than** N/A **standard units and shall be monitored** once per six months by grab sampling and reported on in standard units.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Final discharge point(s).

This discharge shall not cause violation of Series I, Section 3 of the West Virginia Legislative Rules issued pursuant to Chapter 20, Article 5A.

A.2. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS - Coal Pile Runoff

During the period beginning **effective date of permit** and lasting through midnight, **expiration date of permit** the permittee is authorized to discharge from outlet number(s) *

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations (Quantity) lbs/day Avg. Monthly	Discharge Limitations (Quantity) lbs/day Max. Daily	Discharge Limitations Other Units (Specify) Avg. Monthly	Discharge Limitations Other Units (Specify) Max. Daily		Monitoring Requirements Measurement Frequency	Monitoring Requirements Sample ** Type
Oil & Grease	N/A	N/A	N/A	Monitor	mg/l	1/6 months	
Total Suspended Solids	N/A	N/A	N/A	50	mg/l	1/6 months	
Copper	N/A	N/A	N/A	Monitor	ug/l	1/6 months	
Nickel	N/A	N/A	N/A	Monitor	ug/l	1/6 months	
Zinc	N/A	N/A	N/A	Monitor	ug/l	1/6 months	

Provide the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area. Any untreated overflow from facilities designed, constructed and operated to treat the volume of coal pile runoff which is associated with a 25 year, 24 hour rainfall event shall not be subject to the total suspended solids and pH limitations.

* Each outlet shall be sampled and analyzed separately. Identify as 001, 002, 003, etc., on DMRs.

** See E.1.

The pH shall not be less than 6.0 **standard units and not greater than** 9.0 **standard units and shall be monitored** once per six months by grab sampling.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Final discharge point(s).

This discharge shall not cause violation of Series I, Section 3 of the West Virginia Legislative Rules issued pursuant to Chapter 20, Article 5A.

A.3. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS - Land Application Units

During the period beginning **effective date of permit** and lasting through midnight, **expiration date of permit** the permittee is authorized to discharge from outlet number(s) *

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations (Quantity) lbs/day Avg. Monthly	Discharge Limitations (Quantity) lbs/day Max. Daily	Discharge Limitations Other Units (Specify) Avg. Monthly	Discharge Limitations Other Units (Specify) Max. Daily	Monitoring Requirements Measurement Frequency	Monitoring Requirements Sample** Type
Chloride	N/A	N/A	N/A	Monitor mg/l	1/6 months	
Total Iron	N/A	N/A	N/A	Monitor mg/l	1/6 months	
Nitrate + Nitrite Nitrogen	N/A	N/A	N/A	Monitor mg/l	1/6 months	
Chemical Oxygen Demand	N/A	N/A	N/A	Monitor mg/l	1/6 months	
Total Dissolved Solids	N/A	N/A	N/A	Monitor mg/l	1/6 months	
BOD-5	N/A	N/A	N/A	Monitor mg/l	1/6 months	
Manganese	N/A	N/A	N/A	Monitor mg/l	1/6 months	
Total Organic Carbon	N/A	N/A	N/A	Monitor mg/l	1/6 months	
Oil & Grease	N/A	N/A	N/A	Monitor mg/l	1/6 months	
Total Suspended Solids	N/A	N/A	N/A	Monitor mg/l	1/6 months	
Acute Toxicity	N/A	N/A	N/A	20 %Mortality	1/6 months	***

Provide the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled. Any untreated overflow from facilities designed, constructed and operated to treat the volume of runoff from areas identified above which is associated with a 25 year, 24 hour rainfall event shall not be subject to acute toxicity limitation.

* Each outlet shall be sampled and analyzed separately. Identify as 001, 002, 003, etc., on DMRs.
** See E.1.
*** See Section G.4.

The pH shall not be less than N/A **standard units and not greater than** N/A **standard units and shall be monitored** once per six months by grab sampling and reported on in standard units.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Final discharge point(s).

This discharge shall not cause violation of Series I, Section 3 of the West Virginia Legislative Rules issued pursuant to Chapter 20, Article 5A.

A.4. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS - All Other Facilities (Excluding Construction)

During the period beginning **effective date of permit** and lasting through midnight, **expiration date of permit** the permittee is authorized to discharge from outlet number(s) *

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations (Quantity) lbs/day Avg. Monthly	Discharge Limitations (Quantity) lbs/day Max. Daily	Discharge Limitations Other Units (Specify) Avg. Monthly	Discharge Limitations Other Units (Specify) Max. Daily		Monitoring Requirements Measurement Frequency	Monitoring Requirements Sample Type **
Oil & Grease	N/A	N/A	N/A	Monitor	mg/l	1/year	
BOD-5	N/A	N/A	N/A	Monitor	mg/l	1/year	
Chemical Oxygen Demand	N/A	N/A	N/A	Monitor	mg/l	1/year	
Total Suspended Solids	N/A	N/A	N/A	Monitor	mg/l	1/year	
Nitrate + Nitrite Nitrogen	N/A	N/A	N/A	Monitor	mg/l	1/year	

Provide the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area.

* Each outlet shall be sampled and analyzed separately. Identify as 001, 002, 003, etc., on DMRs.

** See E.1.

The pH shall not be less than N/A **standard units and not greater than** N/A **standard units and shall be monitored** once per year by grab sampling and reported on in standard units.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): Final discharge point(s).

This discharge shall not cause violation of Series I, Section 3 of the West Virginia Legislative Rules issued pursuant to Chapter 20, Article 5A.

B. SCHEDULE OF COMPLIANCE

1. The permittee shall achieve compliance with the provisions for waste treatment and the discharge limitations and monitoring requirements specified in this permit in accordance with the following schedule:

Effective date of permit - Compliance with Section A.1., A.2., A.3., or A.4. as appropriate (except for acute toxicity limitations).

Effective date of permit + 3 years - Compliance with acute toxicity limitations in Sections A.1 and A.3.

2. Reports of compliance or noncompliance with, and progress reports on the interim and final requirements contained in the above compliance schedule, shall be submitted no later than 14 days following each schedule date.

C. MANAGEMENT CONDITIONS

1. Duty to Comply

(a) The permittee must comply with all conditions of this Permit. Permit noncompliance constitutes a violation of the CWA and State Act and is grounds for enforcement action; for permit modification, revocation and reissuance, suspension or revocation; or for denial of a permit renewal application.

(b) The permittee shall comply with all effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

2. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit at least 180 days prior to expiration of the permit.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit, which has a reasonable likelihood of adversely affecting human health or the environment.

4. Permit Actions

This permit may be modified, revoked and reissued, suspended, or revoked for cause. The filing of a request by the permittee for permit modification, revocation and reissuance, or revocation, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

5. Property Rights

This permit does not convey any property rights of any sort or any exclusive privilege.

6. Signatory Requirements

All applications, reports, or information submitted to the Chief shall be signed and certified as required in Series II, Section 4.6 of the West Virginia Legislative Rules of the State Water Resources Board. If an authorization becomes no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Chief prior to or together with any reports, information, or applications to be signed by an authorized representative.

C. MANAGEMENT CONDITIONS (cont'd.)

7. Duty to Provide Information

The permittee shall furnish to the Chief, within a reasonable specified time, any information which the Chief may request to determine whether cause exists for modifying, revoking and reissuing, suspending, or revoking this permit, or to determine compliance with this permit. The permittee shall also furnish to the Chief, upon request, copies of records required to be kept by this permit.

8. Other Information

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Chief, it shall promptly submit such facts or information.

9. Inspection and Entry

The permittee shall allow the Chief, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:

a) Enter upon the permittee's premises in which an effluent source or activity is located, or where records must be kept under the conditions of this permit;

b) Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;

c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the State Act, any substances or parameters at any locations.

10. Permit Modification

This permit may be modified, suspended, or revoked in whole or in part during its term in accordance with the provisions of Chapter 20-5A-8 of the Code of West Virginia.

11. Water Quality

The effluent or effluents covered by this permit are to be of such quality so as not to cause violation of applicable water quality standards adopted by the State Water Resources Board.

C. MANAGEMENT CONDITIONS (cont'd.)

12. Outlet Markers

A permanent marker at the establishment shall be posted in accordance with Series III, Section 9 of the West Virginia Legislative Rules promulgated pursuant to Chapter 20, Article 5A.

13. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the CWA.

14. Liabilities

a) Any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act is subject to a civil penalty not to exceed $10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

b) Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

c) Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

d) Nothing in C.14. a), b) and c) shall be construed to limit or prohibit any other authority the Chief may have under the State Water Pollution Control Act, Chapter 20, Article 5A.

D. OPERATION AND MAINTENANCE

1. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures. Unless otherwise required by Federal or State law, this provision requires the operation of back-up auxiliary facilities or similar systems which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3. Bypass

a) Definitions

(1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility ; and

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

b) Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of D.3.c) and D.3.d) of this permit.

c) (1) If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of the bypass.

(2) If the permittee does not know in advance of the need for bypass, notice shall be submitted as required in F.2.b) of this permit.

d) Prohibition of bypass

(1) Bypass is permitted only under the following conditions, and the Chief may take enforcement action against a permittee for bypass, unless;

D. OPERATION AND MAINTENANCE (cont'd.)

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

(C) The permittee submitted notices as required under D.3.c) of this permit.

(2) The Chief may approve an anticipated bypass, after considering its adverse effects, if the Chief determines that it will meet the three conditions listed in D.3.d)(1) of this permit.

4. Upset

(a) Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

(b) Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of D.4.c) are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for non-compliance, is final administrative action subject to judicial review.

(c) Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the cause(s) of the upset;

(2) The permitted facility was at the time being properly operated.

(3) The permittee submitted notice of the upset as required in F.2.b) of this permit.

(4) The permittee complied with any remedial measures required under C.3. of this permit.

(d) Burden of proof. In any enforcement proceedings the permittee seeking to establish the occurrence of an upset has the burden of proof.

D. OPERATION AND MAINTENANCE (cont'd.)

5. Removed Substances

Where removed substances are not otherwise covered by the terms and conditions of this permit or other existing permit by the Chief, any solids, sludges, filter backwash or other pollutants (removed in the course of treatment or control of wastewaters) and which are intended for disposal within the State, shall be disposed of only in a manner and at a site subject to the approval by the Chief. If such substances are intended for disposal outside the State or for reuse, i.e., as a material used for making another product, which in turn has another use, the permittee shall notify the Chief in writing of the proposed disposal or use of such substances, the identity of the prospective disposer or users, and the intended place of disposal or use, as appropriate.

E. MONITORING AND REPORTING

1. Representative Sampling

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

Sample Type. For discharges from holding ponds or other impoundments with a retention period greater than 24 hours, (estimated by dividing the volume of the retention pond by the estimated volume of water discharged during the 24 hours previous to the time that the sample is collected) a minimum of one grab sample may be taken. For all other discharges, data shall be reported for both a grab sample and a composite sample. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Where once per six (6) month sampling is required, the samples for each six month period shall be collected at least three (3) months apart. The grab sample shall be taken during the first thirty minutes of the discharge. If the collection of a grab sample during the first thirty minutes is impracticable, a grab sample can be taken during the first hour of the discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first thirty minutes was impracticable. Composite samples (see definition in E.7) may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour (after the initial 30 minutes) of discharge for the entire discharge or for the three hours of the discharge, with each equal volume aliquot being taken every 20 minutes during the three hour period and combined before analyses are performed. Only grab samples must be collected and analyzed for the determination of pH, cyanide, and oil and grease.

2. Reporting

a) Permittees required to submit self-monitoring reports on their effluent, shall submit semi-annually or annually in accordance with the category they are included in under Sections A.1. to A.4., and according to the enclosed format, a Discharge Monitoring Report (DMR) indicating in terms of concentration, and/or quantities, the values of the constituents listed in Part A analytically determined to be in the effluent(s).

b) The required DMRs should be mailed no later than 20 days following the end of the reporting period and be addressed to:

Chief
Water Resources Section
1201 Greenbrier Street
Charleston, WV 25311
ATTENTION: Industrial Branch

E. MONITORING AND REPORTING (cont'd.)

c) Enter reported maximum values under "Concentration" in the units specified for each parameter, as appropriate.
d) Specify the number of analyzed samples that exceed the allowable permit conditions in the columns labeled "N.E." (i.e., number exceeding), if applicable.
e) Specify frequency of analysis for each parameter as number analyses/specified period (e.g. "1/6 months is equivalent to 1 analysis performed every 6 months). If continuous, enter "Cont.". The frequency listed on format is the minimum required.

3. Test Procedures

Samples shall be taken, preserved and analyzed in accordance with 40 CFR Part 136, as in effect July 1, 1991 unless other test procedures have been specified elsewhere in this permit.

4. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information.
a) The date, exact place, and time of sampling or measurement;
b) The date(s) analyses were performed;
c) The individual(s) who performed the sampling or measurement;
d) The individual(s) who performed the analyses; if a commercial laboratory is used, the name and address of the laboratory;
e) The analytical techniques or methods used, and
f) The results of such analysis.
Information not required by the DMR form is not to be submitted to this agency, but is to be retained as required in E.6.

5. Additional Monitoring by Permittee

If the permittee monitors any pollutant at any monitoring point specified in this permit more frequently than required by this permit, using approved test procedures or others as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report Form. Such increased frequency shall also be indicated.
Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in the permit.

E. MONITORING AND REPORTING (cont'd.)

6. Records Retention

The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original chart records for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for the permit, for a period of at least five (5) years from the date of the sample, measurement, report or application. This period may be extended by request of the Chief at any time.

7. Definitions

"Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Coal pile runoff" means the rainfall from or through a coal storage pile.

"Composite sample" means a sample consisting of a mixture of equal volume aliquots collected at a constant time interval and combined prior to analysis.

"Construction Activity" means soil disturbance associated with site development for residential, commercial or industrial purposes exceeding three (3) acres. This includes access roads and off-site borrow and spoil areas.

"CWA" means Clean Water Act or the Federal Water Pollution Control Act.

"Chief" means the chief of the water resources section of the division of natural resources.

"Estimate" means to be based on a technical evaluation of the sources contributing to the discharge including, but not limited to pump capabilities, water meters and batch discharge volumes.

"Grab Sample" is an individual sample collected in less than 15 minutes.

"Land application unit" means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.

E. MONITORING AND REPORTING (cont'd.)

"Measured Flow" means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.

"Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.

"Section 313 water priority chemical" means a chemical or chemical categories which are: (1) Are listed at 40 CFR 372.65 pursuant to section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986; (2) Are present at or above threshold levels at a facility subject to SARA title III, section 313 reporting requirements; and (3) That meet at least one of the following criteria: (i) Are listed in appendix D of 40 CFR part 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances); (ii) Are listed as a hazardous substance pursuant to section 311 (b)(2)(A) of the CWA at 40 CFR 116.4; or (iii) Are pollutants for which EPA has published acute or chronic water quality criteria.

"Significant materials" includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of CERCLA; any chemical the facility is required to report pursuant to Section 313 of III of SARA; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

"Site Registration Application Form" means the form(s) designed by the Chief for the purpose of making application for coverage under a general permit.

"Significant spills" includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under section 311 of the Clean Water Act (see 40 CFR 110.10 and CFR 117.21) or section 102 of CERCLA (see 40 CFR 302.4).

"Storm Water" means storm water runoff, snow melt runoff and surface runoff and drainage.

E. MONITORING AND REPORTING (cont'd.)

"Storm Water Associated with Industrial Activity" means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program. For the categories of industries identified below in (i) through (x), the term includes, but is not limited to storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters (as defined at 40 CFR 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified below in (xi) the term includes only storm water discharges from all areas listed in the previous sentence (except access roads) where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products or industrial machinery are exposed to storm water. For the purposes of the storm water regulations (40 CFR Part 122.26), material handling activities include the: storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally or municipally owned or operated that meet the description of the facilities listed in this paragraph (i)-(xi)) include those facilities designated under 122.26(a) (1)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of these regulations:

(i) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi);

(ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28, 29, 30, 311, 32, 33, 3441, 373;

(iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining

E. MONITORING AND REPORTING (cont'd.)

operations (except for areas of coal mining operations meeting the definition of a reclamation area under 40 CFR 434.11(l)) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator;

(iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;

(v) Landfills, land application sites, and open dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle D of RCRA;

(vi) Facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;

(vii) Steam electric power generating facilities, including coal handling sites;

(viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42, 44, and 45 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified in (i)-(vii) or (ix)-(xi) are associated with industrial activity;

(ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with the design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR Part 503;

(x) Construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than three acres of total land area which are not part of a larger common plan of development or sale;

(xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 31 (except 311), 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and which are not otherwise included within categories (i)-(x)).

E. MONITORING AND REPORTING (cont'd.)

"Waste pile" means any noncontainerized accumulation of solid, nonflowing waste that is used for treatment or storage.

"25-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 25 years. This information is available from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

"10-year, 24-hour precipitation event" means the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years. This information is available from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

F. OTHER REPORTING

1. Reporting Spills and Accidental Discharges

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsiblities, liabilities, or penalties established pursuant to Series III, Section 2 of the West Virginia Legislative Rules promulgated pursuant to Chapter 20, Article 5A.

Attached is a copy of the West Virginia Spill Alert system for use in complying with Series III, Section 2 of the rules as they pertain to the reporting of spills and accidental discharges.

2. Immediate Reporting

a) The permittee shall report any noncompliance which may endanger health or the environment immediately after becoming aware of the circumstances by using the Division's designated spill alert telephone number. A written submission shall be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

b) The following shall also be reported immediately:

(1) Any unanticipated bypass which exceeds any effluent limitation in the permit.

(2) Any upset which exceeds any effluent limitation in the permit; and

(3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Chief in the permit to be reported immediately. This list shall include any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance.

c) The Chief may waive the written report on a case-by-case basis if the oral report has been received in accordance with the above.

d) Compliance with the requirements of F.2. of this section, shall not relieve a person of compliance with Series III, Section 2 of the Board's rules.

3. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under the above paragraphs at the time monitoring reports are submitted. The reports shall contain the information listed in F.2.a).

G. OTHER REQUIREMENTS

1. Requiring an individual permit or an alternative general permit.

a) The Chief may require any person authorized by this permit to apply for and obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition the Chief to take action under this paragraph. The Chief may require any owner or operator authorized to discharge under this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit or the alternative general permit as it applies to the individual permittee, coverage under this general permit shall automatically terminate. The Chief may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner an individual NPDES permit application required by the Chief under this paragraph, then the applicability of this permit to the individual NPDES permittee is automatically terminated at the end of the day specified for application submittal.

b) Any owner or operator authorized by this permit may request to be excluded from the coverage of this permit by applying for an individual permit or participating in any future applicable group application if done in a timely manner. The owner or operator shall submit an individual application, Form IS with reasons supporting the request, or participate in a group application in accordance with the requirements of 40 CFR 122.26, to the Chief. The request shall be granted by issuing of any individual permit or an alternative general permit if the reasons cited by the owner or operator are adequate to support the request.

c) When an individual NPDES permit is issued to an owner or operator otherwise subject to this permit, or the owner or operator is approved for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the effective date of the individual permit or the date of approval for coverage under the alternative general permit, whichever the case may be. When an individual NPDES permit is denied to an owner or operator otherwise subject to this permit, or the owner or operator is denied for coverage under an alternative NPDES general permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Chief.

G. OTHER REQUIREMENTS (cont'd.)

2. Prohibition on non-storm water discharges

All discharges covered by this permit shall be composed entirely of storm water. Discharges of material other than storm water must be in compliance with a NPDES permit (other than this permit) issued for the discharge.

3. Releases in excess of Reportable Quantities

This permit does not relieve the permittee of the reporting requirements of 40 CFR 117 and 40 CFR 302. The discharge of hazardous substances in the storm water discharge(s) from a facility shall be minimized in accordance with the applicable storm water pollution prevention plan for the facility, and in no case, during any 24-hour period, shall the discharge(s) contain a hazardous substance equal to or in excess of reporting quantities.

4. Toxicity Testing

Permittees that are required to conduct acute whole effluent toxicity testing shall initiate the series of tests described below within 180 days of the effective date of this permit or within 30 days after the commencement of a new discharge.

a) The permittee shall conduct an acute 48 hour static toxicity test using daphnia (pulex or magna) and fathead minnow (Pimephales promelas). All test organisms, procedures and quality assurance criteria used shall be in accordance with "Methods and Measuring the Acute Toxicity of Effluent to Freshwater and Marine Organisms", EPA-600/4-85-013 (Rev. March 1985). Tests shall be conducted semi-annually. Such tests shall be conducted on a grab sample of the discharge at 100% strength (no dilution). A standard reference toxicant quality assurance test shall be conducted concurrently with each toxicity test and its result submitted with the semi-annual discharge monitoring report. After completion of 4 tests of two appropriate test species, the permittee may limit subsequent testing to the most sensitive specie of the two test species, based on the results of the previous tests, upon request to and subsequent approval by the Chief. Results of all tests conducted with any species shall be reported according to EPA/600-4-85/013, Section 13, Report Preparation and Data Utilization, or its latest revision, and shall be submitted to the Section with the semi-annual discharge monitoring report. The permittee's Discharge Monitoring Reports (DMRs) will report percent (%) mortality in 100% effluent.

b) If acute whole effluent toxicity in excess of 20% mortality is found in storm water discharges subject to the effluent limitations of

G. OTHER REQUIREMENTS (cont'd.)

Sections A.1. and A.3. in any samples collected after the compliance date of three years after the effective date of this permit, it will constitute a violation of this permit. The permittee will then be subject to the enforcement provisions of the Clean Water Act and the State Water Pollution Control Act. In the event a violation of toxicity limits results in an enforcement action, any different or more stringent monitoring requirements imposed in that enforcement action shall apply in lieu of the requirements of this permit condition for whatever period of time is specified by the State in the enforcement action.

c) If acute whole effluent toxicity in excess of 20% mortality is detected in storm water discharges subject to the effluent limitations of Sections A.1. and A.3., before the compliance date of three years after the effective date of this permit, and it is determined by the State that a toxicity reduction evaluation (TRE) is necessary, the permittee shall be so notified and shall initiate a TRE immediately thereafter. The purpose of the TRE shall be to establish the cause of the toxicity, locate the source(s) of the toxicity, and control or provide treatment for the toxicity prior to the compliance date of three years after the effective date of this permit.

5. Storm water pollution prevention plans

A storm water pollution prevention plan shall be developed for each facility covered by this permit. Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. In addition, the plan shall describe and ensure the implementation of practices which are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit.

a) The plan shall be signed in accordance with Section C.6. and be retained on site. It shall be completed within 180 days of the coverage of a facility by this permit (and updated as appropriate), or, in the case of new facilities, prior to submitting a registration application form to be covered under this permit. Plans for existing construction activities shall be completed within 30 days of coverage by this permit. These plans must provide for compliance by construction activities within 30 days of coverage by this permit. Plans for all other existing facilities shall provide for compliance with the terms of the plan within 365 days of coverage by this permit. In the case of new facilities, plans shall provide for compliance with the terms of the

G. OTHER REQUIREMENTS (cont'd.)

plan prior to submitting a registration form to be covered under this permit. The permittee of a facility with storm water discharges covered by this permit shall make plans available, upon request, to the Chief, or authorized representative.

b) If the plan is reviewed by the Chief or authorized representative, the Chief or authorized representative may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this section. After such notification from the Chief or authorized representative, the permittee shall make changes to the plan in accordance with the time frames established below, and shall submit to the Chief a written certification that the requested changes have been made.

(1) Except as provided below in paragraph (2), the permittee shall have 30 days after such notification to make the changes necessary.

(2) The permittee of a storm water discharge associated with industrial activity composed in part or in whole of runoff from construction activities shall have 24 hours after such notification to make changes relating to sediment and erosion controls to prevent loss of sediment from the site, unless additional time is provided by the Chief.

c) The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the State or if the storm water pollution prevention plan proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. Amendments may be reviewed by the Chief in the same manner as above.

d) Except for storm water discharges associated with industrial activity from construction activities, which are subject to the requirements of Section G.5.e), the plan shall include, at a minimum, the following items:

(1) Description of Potential Pollutant Sources

Each plan shall provide a description of potential sources which may be reasonably expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Plans shall identify all activities which may potentially be significant pollutant sources, including: 1) loading or unloading of dry bulk

G. OTHER REQUIREMENTS (cont'd.)

materials or liquids, 2) outdoor storage of raw materials, intermediary products or products, 3) outdoor process activities, 4) dust or particulate generating processes, 5) illicit connections or management practices, and 6) waste disposal practices. To facilitate this process, each plan, shall at a minimum, include:

(A) A site map indicating, at a minimum: each drainage and discharge structure; an outline of the drainage area of each storm water outlet; paved areas and buildings within the drainage area of each discharge point, each past or present area used for outdoor storage or disposal of significant materials; each existing structural control measure to reduce pollutants in storm water runoff; materials loading and access area; each hazardous waste storage or disposal facility (including each area not required to have a RCRA permit which is used for accumulating hazardous waste under 40 CFR 262.34); each well where fluids from the facility are injected underground; sinkholes; springs; and other surface water bodies;

(B) An estimate of the area of impervious surfaces (including paved areas and building roofs) relative to the total area drained by each outlet;

(C) A topographic map (or other map if a topographic map is unavailable), extending one mile beyond the property boundaries of the facility, depicting the facility and each of its intake and discharge structures, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known to the applicant in the map area. The requirements of this paragraph may be included in the site map required under Section G.5.d)(1)(A).

(D) A narrative description of significant materials that have been treated, stored or disposed in a manner to allow exposure to storm water between the time of three years prior to the date of the issuance of this permit and the present; method of on-site storage or disposal; materials management practices employed to minimize contact of these materials with storm water runoff between the time of three years prior to the date of the issuance of this permit and the present; materials loading and access areas; the location and a description of existing structural and nonstructural control measures to reduce pollutants in storm water runoff; and a description of any treatment the storm water receives.

(E) A list of significant spills and leaks of toxic or hazardous pollutants that occurred at the facility after the effective date of this permit. Such list shall be updated when a significant spill or

G. OTHER REQUIREMENTS (cont'd.)

leak of toxic or hazardous pollutants occurs and shall include a description of the materials released, an estimate of the volume of the release, the location of the release, and a description of any remediation or cleanup measures taken;

(F) For each area of the plant that generates storm water discharges associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an estimate of the types of pollutants which could be present in storm water discharges associated with industrial activity; and

(G) A summary of existing sampling data describing pollutants in storm water discharges.

(2) Storm Water Management Controls

Each facility covered by this permit shall develop a description of storm water management controls appropriate for the facility, and implement such controls. Priorities developed in a plan for implementing controls shall reflect the nature of identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:

(A) Pollution Prevention Committee - The description of the storm water Pollution Prevention Committee shall identify specific individuals within the organization who are responsible for developing the storm water pollution prevention plan and assisting the manager in its implementation, maintenance, and revision. The activities and responsibilities of the committee should address all aspects of the facility's storm water pollution prevention plan.

(B) Risk Identification and Assessment/Material Inventory - The storm water pollution prevention plan shall assess the potential of various sources at the facility to contribute pollutants to storm water discharges associated with industrial activity. The plan shall inventory the types of materials handled, the location of material management activities, and types of material management activities. Factors to consider when evaluating the pollution potential of runoff from various portions of an industrial plant include: loading and unloading operations; outdoor storage activities; outdoor manufacturing or processing activities; dust or particulate generating processes; and waste disposal practices. Other factors to consider are the toxicity of chemicals; quantity of chemicals used, produced, or discharged; history of water quality violations; history of significant leaks or spills of toxic or hazardous pollutants; and nature and uses of the receiving waters.

G. OTHER REQUIREMENTS (cont'd.)

(C) Preventative Maintenance - A preventative maintenance program shall involve inspection and maintenance of storm water management devices (e.g., cleaning oil/water separators, catch basins) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.

(D) Good Housekeeping - Good housekeeping requires the maintenance of a clean, orderly facility.

(E) Spill Prevention and Response Procedures - Areas where potential spills can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention plan. Where appropriate, specifying material handling procedures and storage requirements in the plan should be considered. Procedures for cleaning up spills shall be identified in the plan and made available to the appropriate personnel. The necessary equipment to implement a clean-up should be available to personnel.

(F) Storm Water Management - After measures have been taken to minimize pollutant sources to storm water, traditional storm water management practices should be considered.

(G) Sediment and Erosion Prevention - The plan shall identify areas which, due to topography, activities, or other factors, have a high potential for soil erosion, and identify measures to limit erosion.

(H) Employee Training - Employee training programs shall inform personnel at all levels of responsiblity of the components and goals of the storm water pollution prevention plan. Training should address topics such as spill response, good housekeeping and material management practices. A pollution prevention plan shall identify periodic dates for such training.

(I) Visual Inspections - Qualified company personnel shall be identified to inspect designated equipment and plant or other appropriate areas. Material handling areas shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. A tracking or followup procedure should be used to ensure that adequate response and corrective actions have been taken in response to the inspection. Records of inspections shall be maintained.

(J) Recordkeeping and Internal Reporting Procedures - Incidents such as spills, leaks and improper dumping, along with other information describing the quality and quantity of storm water discharges should be included in the records. Inspections and maintenance activities such as cleaning oil and grit separators or catch basins should be documented and recorded.

G. OTHER REQUIREMENTS (cont'd.)

(K) Non-Storm Discharges - A certification that the discharge has been tested for the presence of non-storm water discharges. The certification shall include a description of the results of any test for the presence of non-storm water discharges, the method used, the date of any testing, and the on-site drainage points that were directly observed during the test. Such certification may not be feasible if the facility operating the storm water discharge associated with industrial activity does not have access to an outlet, manhole, or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the storm water pollution plan shall indicate why the certification required by this section was not feasible.

(3) Site Inspection

A site inspection shall be conducted annually by appropriate personnel named in the storm water pollution prevention plan to verify that the description of potential pollutant sources required under Section G.5.d)(1) is accurate, the drainage map has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in storm water discharges associated with industrial activity identified in the storm water pollution prevention plan are being implemented and are adequate. Records documenting significant observations made during the site inspection shall be retained as part of the storm water pollution prevention plan for three years.

(4) A facility which has experienced one or more releases of a hazardous substance in excess of reporting quantities established at 40 CFR 117.3 or 40 CFR 302.4 within twelve months prior to the effective date of this permit, or after the effective date of this permit, shall include as part of the storm water pollution prevention plan for the facility a written description of each release, corrective actions taken and measures taken to prevent recurrence. (Note: Section G.3. of this permit prohibits storm water discharges which, during any 24-hour period, contain a hazardous substance equal to or in excess of the reporting quantities of 40 CFR 117 and 40 CFR 302).

(5) Consistency with other plans

Storm water management programs may reflect requirements for Spill Prevention Control and Countermeasure (SPCC) plans under section 311 of the CWA or Best Management Practices (BMP) plans otherwise required by an NPDES permit and may incorporate any part of such plans into the storm water pollution prevention plan by reference.

(6) Special requirements for storm water discharges associated with industrial activity from facilities subject to SARA Title III, Section 313 requirements

G. OTHER RQUIREMENTS (cont'd.)

Storm water pollution prevention plans for facilities subject to reporting requirements under SARA Title III, Section 313 for chemicals which are classified as Section 313 water priority chemicals, are required to include, in addition to the information listed above, a discussion of the facility's conformance with the appropriate guidelines listed:

(A) In areas where Section 313 chemicals are stored, processed or otherwise handled, appropriate containment, drainage control and/or diversionary structures shall be provided. At a minimum, one of the following preventative systems or its equivalent shall be used:

(i) Dikes, berms, retaining walls, impounding basins, diversion ponds, retention ponds or other forms of secondary containment. Secondary containment systems shall be sufficiently impervious to contain spilled Section 313 chemicals;

(ii) Curbing, culverting, gutters, sewers or other forms of drainage control to prevent or minimize the potential for storm water run-on to contact significant sources of pollutants; and

(iii) Roofs, covers or other forms of protection to prevent storge piles from exposure to storm water, wind blowing and leaching.

(B) When it is determined that the installation of structures or equipment listed in Section G.5.d)(6)(A) of this permit is not practicable at a given facility, the storm water pollution prevention plan for the facility shall clearly demonstrate that such requirements are not practicable and provide the following:

(i) A strong spill contingency plan; and

(ii) A written and actual commitment of manpower, equipment and materials required to expeditiously control and remove any harmful quantity of Section 313 chemical discharged.

(C) In addition to the minimum standards listed under Section G.5.d)(6)(A) of this permit, the storm water pollution prevention plan shall include a complete discussion of measures taken to conform with the following applicable guidelines, other effective storm water pollution prevention procedures, and applicable State rules, regulations and guidelines:

(i) Liquid storage areas for Section 313 chemicals

G. OTHER REQUIREMENTS (cont'd.)

(I) No tank or container shall be used for the storage of a Section 313 chemical unless its material and construction are capatible with the material stored and conditions of storage such as pressure and temperature, etc.

(II) Secondary containment, sufficient to contain the capacity of the largest single container or tank in a drainage system where Section 313 chemicals are stored shall be provided. If the secondary containment area and its upstream drainage system are subject to precipitation, an allowance for drainage from a 25-year, 24-hour precipitation event shall be provided over and above the volume necessary to contain the largest single tank or container. Secondary containment systems shall be sufficiently impervious to contain spilled Section 313 chemicals until they can be removed or treated. The plant treatment system may be used to provide secondary containment, provided it has sufficient excess holding capacity always available to hold the contents of the largest container in the drainage area plus an allowance for drainage from a 25-year, 24-hour precipitation event.

(ii) Material storage areas for Section 313 chemicals other than liquids which are subject to runoff, leaching, or wind blowing shall incorporate drainage or other control features which will minimize the discharge of Section 313 chemicals. Drainage control shall minimize storm water contact with Section 313 chemicals.

(iii) Truck and rail car loading and unloading areas for Section 313 liquid chemicals - shall contain sufficient secondary containment or treatment capacity to hold or treat the largest tank truck or rail car or the largest compartment of a tank truck or rail car if the tanks are compartmented, which is loaded or unloaded at the facility. If secondary containment is provided in the treatment sytem, it must be designed so that adequate hydraulic capacity always exists to contain a spill or the largest container from the loading and unloading areas, including an allowance for drainage from a 25-year, 24-hour precipitation event.

(iv) In plant areas where Section 313 chemicals are transferred, processed or otherwise handled - piping, processing equipment and materials handling equipment shall be designed and operated so as to prevent discharges of Section 313 chemicals. Materials used in piping and equipment shall be compatible with the substances handled. Drainage from process and materials handling areas shall be designed as described in (i), (ii) and (iii) above. Additional protection such as covers or guards to prevent wind blowing, spraying or releases from pressure relief vents from causing a discharge of Section 313 chemicals to the drainage system shall be provided as appropriate.

G. OTHER REQUIREMENTS (cont'd.)

(v) Discharges from areas covered by (i), (ii), (iii) or (iv):

(I) Drainage from areas covered by (i), (ii), (iii) or (iv) above shall be restrained by valves or other positive means to prevent a spill or other excessive leakage of Section 313 chemicals into the drainage system. Containment areas may be emptied by pumps or ejectors; however, these shall be manually activated.

(II) Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas shall, as far as is practical, be of manual, open-and-closed design.

(III) If plant drainage is not engineered as above, the final discharge of all in-plant storm sewers should be equipped to be equivalent with a diversion system that could, in the event of an uncontrolled spill of Section 313 chemicals, return the spilled material to the facility.

(IV) Records shall be kept of the frequency and estimated volume (in gallons) of discharges from containment areas.

(vi) Plant site runoff other than from areas covered by (i), (ii), (iii) or (iv) - Other areas of the facility from which runoff or spills of Section 313 chemicals could cause a discharge shall incorporate the necessary drainage or other control features to prevent discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in runoff or leachate.

(vii) Preventative maintenance and housekeeping - All areas of the facility shall be inspected at specified intervals for leaks or conditions that could lead to discharges of Section 313 chemicals or direct contact of storm water with raw materials, intermediate materials, waste materials or products. In particular, plant piping, pumps, storage tanks and bins, pressure vessels, process and material handling equipment, and material bulk storage areas shall be examined for any conditions or failures which could cause a discharge. Inspection shall include examination for leaks, wind blowing, corrosion, support or foundation failure, or other forms of deterioration or noncontainment. Inspection intervals shall be specified in the plan and shall be based on design and operational experience. Different areas may require different inspection intervals. Where a leak or other condition is discovered which may result in significant releases of Section 313 chemicals to the drainage system, corrective action shall be immediately

G. OTHER REQUIREMENTS (cont'd.)

taken or the unit or process shut down until corrective action can be taken. When a leak or noncontainment of a Section 313 chemical has occurred, contaminated soil, debris, or other material must be promptly removed and disposed in accordance with Federal, State, and local requirements and as described in the plan.

(viii) Facility security - Facilities shall have the necessary security systems to prevent accidental or intentional entry which could cause a discharge. Security systems described in the plan shall address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.

(ix) Training - Facility employees and contractor personnel using the facility shall be trained in and informed of preventative measures at the facility. Employee training shall be conducted at intervals specified in the plan, but not less than once per year, in matters of pollution control laws and regulations, and in the storm water pollution prevention plan and the particular features of the facility and its operation which are designed to minimize discharges of Section 313 chemicals. The plan shall designate a person who is accountable for spill prevention at the facility and who will set up the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of Section 313 chemicals can be isolated and contained before a discharge of a Section 313 chemical can occur. Contractor or temporary personnel shall be informed of plant operation and design features in order to prevent discharges or spills from occurring.

(x) Engineering Certification - No storm water pollution prevention plan for facilities subject to SARA Title III, Section 313 requirements shall be effective to satisfy the requirements of Section 5.d)(6) of this permit unless it has been reviewed by a Registered Professional Engineer and certified to by such Professional Engineer. A Registered Professional Engineer shall recertify the plan every three years thereafter. By means of these certifications the engineer, having examined the facility and being familiar with the provisions of this section, shall attest that the storm water pollution prevention plan has been prepared in accordance with good engineering practices. Such certifications shall in no way relieve the owner or operator of a facility covered by the plan of their duty to prepare and fully implement such plan.

(xi) Salt Storage - Storage piles of salt used for deicing or other commercial or industrial purposes shall be enclosed or covered to prevent exposure to precipitation.

G. OTHER REQUIREMENTS (cont'd).

e) Alternative requirements for Construction Activities - Operations that discharge storm water associated with industrial activity from construction activities disturbing three or more acres are not subject to the requirements of Section G.5.d) of this permit, but are instead subject to the following requirements. The storm water pollution prevention plan shall include, as a minimum, the following items:

(1) Site Description - Each plan shall, at a minimum, provide a description of the following:

(A) A description of the nature of the construction activity, including a proposed timetable for major activities;

(B) Estimates of the total area of the site and the area of the site that is expected to undergo excavation or grading;

(C) An estimate of the runoff coefficient of the site and the increase in impervious area after the construction is completed, a description of the nature of fill material to be used, and existing data describing the soil or the quality of any discharge from the site;

(D) A site map indicating, at a minimum, drainage patterns and approximate slopes anticipated after major grading activities, areas used for the storage of soils or wastes, the location of major control structures identified in the plan, the location of impervious structures after construction is completed, and springs and other surface waters.

(2) Controls - Each construction operation covered by this permit shall develop a description of controls appropriate for the facility, and implement such controls. The description of controls shall address the following minimum components, including a schedule for implementing such controls.

(A) Erosion and Sediment Controls

(i) Vegetative Practices - A description of vegetative practices designed to preserve existing vegetation where practicable and revegetate open areas as soon as practicable after grading or construction. In developing vegetative practices, the operator shall consider: temporary seeding, permanent seeding, mulching, sod stabilization, vegetative buffer strips, and protection of trees. At a minimum, temporary seeding, permanent seeding, mulching or sod stabilization procedures, or their equivalent, must be initiated on all disturbed areas within 7 calendar days of the last activity at that area.

G. OTHER REQUIREMENTS (cont'd.)

(ii) Structural Practices - A description of structural practices to the degree attainable to divert flows from exposed soils, store flows or otherwise limit runoff from exposed areas of the site. Such practices may include straw bale dikes, silt fences, earth dikes, brush barriers, drainage swales, check dams, subsurface drain, pipe slope drain, level spreaders, storm drain inlet protection, rock outlet protection, sediment traps, and temporary sediment basins. For sites with more than 10 disturbed acres at one time which are served by a common drainage location, a detention basin providing storage or equivalent controls for runoff from disturbed areas from a 10 year, 24-hour storm, shall be provided where attainable. For drainage locations with more than 10 disturbed acres at one time which are served by a common drainage location where a detention basin providing storage or equivalent controls for runoff from disturbed areas from a 10 year, 24-hour storm is not attainable, silt fences, straw bale dikes, or equivalent sediment controls are required for all sideslopes and downslope boundaries of the construction area. For drainage locations serving 10 or less acres, silt fences, straw bale dikes, or equivalent sediment controls are required for all sideslopes and downslope boundaries of the construction area or a detention basin providing storage for runoff from disturbed area from a 10-year, 24-hour storm shall be provided.

(B) Storm Water Management - A description of measures to control pollutants in storm water discharges that will occur after construction operations have been completed. In developing structural practices, the operator shall consider the appropriateness of: infiltration of runoff onsite; flow attenuation by use of open vegetated swales and natural depressions; storm water retention structures and storm water detention structures. A combination of practices may be used. Velocity dissipation devices shall be placed at the outlet of all detention or retention structures and along the length of any outlet channel as necessary to provide a non-erosive velocity flow from the structure to a water course. Justification shall be provided by the permittee for rejecting each practice based on site conditions.

(C) Other Controls

(i) Waste Disposal - All wastes composed of building materials must be removed from the site for disposal in permitted disposal facilities. No building material wastes or unused building materials shall be buried, dumped, or discharged at the site.

(ii) Each site shall have graveled access entrance and exit drives and parking areas to reduce the tracking of sediment onto public or private roads. All unpaved roads on the site carrying more than 25 vehicles per day shall be graveled.

(iii) The plan shall ensure and demonstrate compliance with applicable State or local sanitary sewer or septic system regulations.

G. OTHER REQUIREMENTS (cont'd.)

(D) Approved State or Local Plans - Facilities which discharge storm water associated with industrial activity from construction activities must include in their storm water pollution prevention plan procedures and requirements specified in applicable sediment and erosion site plans or storm water management plans approved by State or local officials. Applicable requirements specified in sediment and erosion plans or storm water management plans approved by State or local officials can be incorporated by reference and are enforceable under this permit even if they are not specifically included in a storm water pollution prevention plan required under this permit. Operators of facilities seeking alternative permit requirements shall submit an individual permit application in accordance with Section G.1.b) of the permit, along with a description of why requirements in approved State or local plans should not be applicable as a condition of an NPDES permit.

(E) Maintenance - A description of procedures to maintain in good and effective condition and promptly repair or restore all grade surfaces, walls, dams and structures, vegetation, erosion and sediment control measures and other protective devices identified in the site plan. At a minimum, procedures in a plan shall provide that all erosion controls on the site are inspected at least once every seven calendar days and and within 24 hours after any storm event of greater than 0.5 inches of rain per 24 hour period.

(f) All storm water pollution prevention plans required under this permit are considered reports that shall be available to the public under Section 308(b) of the CWA. The owner or operator of a facility with storm water discharges covered by this permit shall make plans available to members of the public upon request by the public. However, the permittee may claim any portion of a storm water pollution plan as confidential in accordance with 46 CSR 2-12.7.

(g) No condition of this permit shall release the permittee from any responsiblity or requirements under other environmental statutes or regulations.

G. OTHER REQUIREMENTS (cont'd.)

6. Reopener Clause

If there is evidence indicating potential or realized impacts on water quality due to any storm water discharge associated with industrial activity covered by this permit, the owner or operator of such discharge may be required to obtain an individual permit or alternative general permit in accordance with Section G.1. of this permit or the permit may be modified to include different limitations and/or requirements.

7. The regulation of storm water associated with industrial activity continues to be in the developmental stage and the conditions, standards and limitations of this general permit will be reviewed at the time of reissuance, if not before, for possible revisions which may lead to more or less stringent conditions, standards and limitations in the general permit.

8. If a representative organization of a significant number of facilities in a particular SIC code can develop and demonstrate an acceptable storm water pollution prevention plan and an acceptable sampling and inspection plan, the agency will review this approach for considering coverage of the facilities under this general permit.

9. Permit coverage for construction activities covered under this permit expires ninety (90) days after completion of construction activities.

The herein-described activity is to be constructed or installed and operated, used and maintained strictly in accordance with the terms and conditions of this permit; with any plans, specifications, and information submitted with the individual site registration application form, with any plan of maintenance and method of operation thereof submitted and with any applicable rules and regulations promulgated by the State Water Resources Board.

Failure to comply with the terms and conditions of this permit, with any plans, specifications and information submitted, and with any plan of maintenance and method of operation thereof submitted shall constitute grounds for the revocation or suspension of this permit to any individual establishment or other person and for the invocation of all the enforcement procedures set forth in Article 5A, Chapter 20 of the Code of West Virginia.

This permit is issued in accordance with the provisions of Article 5A, Chapter 20 of the Code of West Virginia.

By: _____
(Chief)

INSTRUCTIONS TO COMPLETE A SITE REGISTRATION APPLICATION FORM FOR THE GENERAL WV/NPDES PERMIT FOR STORM WATER ASSOCIATED WITH INDUSTRIAL (CONSTRUCTION) ACTIVITY IN WEST VIRGINIA

A. GENERAL INSTRUCTIONS

The Office of Water Resources has developed and issued a General WV/NPDES Water Pollution Control permit to regulate contaminated or potentially contaminated storm waters flowing into the waters of the State from discharges associated with industrial, including construction activity. This General Permit was issued on June 8, 1992, became effective on July 8, 1992, and will expire on June 7, 1997.

Certain establishments which contribute to the contamination of storm water or have the potential to do so and fall under the definition of "Storm Water Associated with Industrial Activity" can elect to be regulated under the General Permit. Those establishments must file a Site Registration Application Form with the Office of Water Resources.

After development of a Draft General Permit, the Office of Water Resources advertized its intent to issue this General Permit and has fulfilled its public notice requirements. Applicants need not perform any public notice activities.

All permittees will be required to develop a Storm Water Pollution Control Plan (SWPCP) for the project to be covered by the permit. Upon receipt of the site registration application form with the Storm Water Pollution Control Plans, a review will be conducted by the Office of Water Resources to determine if the information provided meets the minimum requirements of the permit.

Individuals will be regulated under the General Permits only if they agree to do so, and if they satisfy the registration requirements. The Office of Water Resources reserves the right to require any individual to obtain a facility-specific WV/NPDES Permit. Individuals not wishing to be regulated by the General Permit, are required to apply for and obtain an individual permit.

The required storm water pollution control techniques will not be significantly different from those which would be required in a facility-specific permit. In fact, many of the requirements of the General Permit will be simpler for the permittee to accomplish and will be less expensive. Persons with questions regarding the General Permit for Construction should contact the Office of Water Resources, Program Management/Technical Support Branch at (304) 558-2108.

B. WHO MUST APPLY

Any establishment, pursuant to Chapter 20, Article 5A, where, storm water associated with construction activity is or may be discharged into the waters of the State or, where designated by the Chief, is a contributor to a violation of the Water Quality Standards or that results in a significant pollutant loading to the receiving waters must apply. Any person proposing a construction activity, three (3) acres or greater of land disturbance in size, shall submit a site registration application form and SWPCP at least 30 days prior to commencing operation. When the construction activity is owned by one person but operated by another, it is the responsibility of the owner to obtain the permit. A separate registration application form is to be submitted for each construction activity.

C. WHERE TO FILE

Two (2) copies of the site registration application form and SWPCP with the applicable fee shall be mailed to:

OFFICE OF WATER RESOURCES
PM/TS BRANCH
1201 GREENBRIER STREET
CHARLESTON, WV 25311-1088

Two (2) copies of the site registration application form and SWPCP shall also be mailed to one of the following offices* depending upon the county in which the project is located. The chart below indicates the counties that are covered under each office.

Office of Water Resources Construction WV/NPDES 1304 Goose Run Road Fairmont, WV 26554	Office of Water Resources Construction WV/NPDES 694 Winfield Road St. Albans, WV 25177

Barbour	Morgan	Boone	Mingo
Berkeley	Ohio	Braxton	Monroe
Brooke	Pendleton	Cabell	Nicholas
Doddridge	Pleasants	Calhoun	Putnam
Grant	Pocahontas	Clay	Raleigh
Hampshire	Preston	Fayette	Roane
Hancock	Randolph	Gilmer	Summers
Hardy	Ritchie	Greenbrier	Wayne
Harrison	Taylor	Jackson	Wirt
Jefferson*	Tucker	Kanawha	Wood
Lewis	Tyler	Lincoln	Wyoming
Marion	Upshur	Logan	McDowell
Marshall	Webster	Mason	Mercer
Mineral	Wetzel		
Monongalia			

* For projects in Jefferson County mail to:

Jefferson County Planning Commission
104 E. Washington Street
P. O. Box 338
Charleston, WV 25414

D. WHEN TO FILE

The site registration application form shall be submitted at least 30 days prior to commencing operation.

E. FEES

Prior to filing the application, you may wish to obtain copy of the Legislative Rules of the Division of Natural Resources, Title 47, Series 26, Water Pollution Control Permit Fee Schedules, effective April 13, 1992. A copy of the Rules are available from the Secretary of State's Office, State Capitol Building, Charleston, WV 25305.

For the purpose of estimation of this registration form the application fees have been calculated by acreage in each precipitation zone in West Virginia. The following table lists by zone the application fee required for acres of disturbed area. Refer to the Precipitation Zone Map to determine which zone and the proper application fee amount is required for your construction project. Runoff for construction shall be determined based on the total acreage to be disturbed.

STORM WATER GENERAL APPLICATION FEES (CONSTRUCTION) BY PRECIPITATION

ZONE 1

3 Acres	= $ 350
4-38 Acres	= $ 585
39-76 Acres	= $ 700
77 Acres or more	= $ 875

ZONE 2

3-4 Acres	= $ 350
5-43 Acres	= $ 585
44-87 Acres	= $ 700
88 Acres or more	= $ 875

ZONE 3

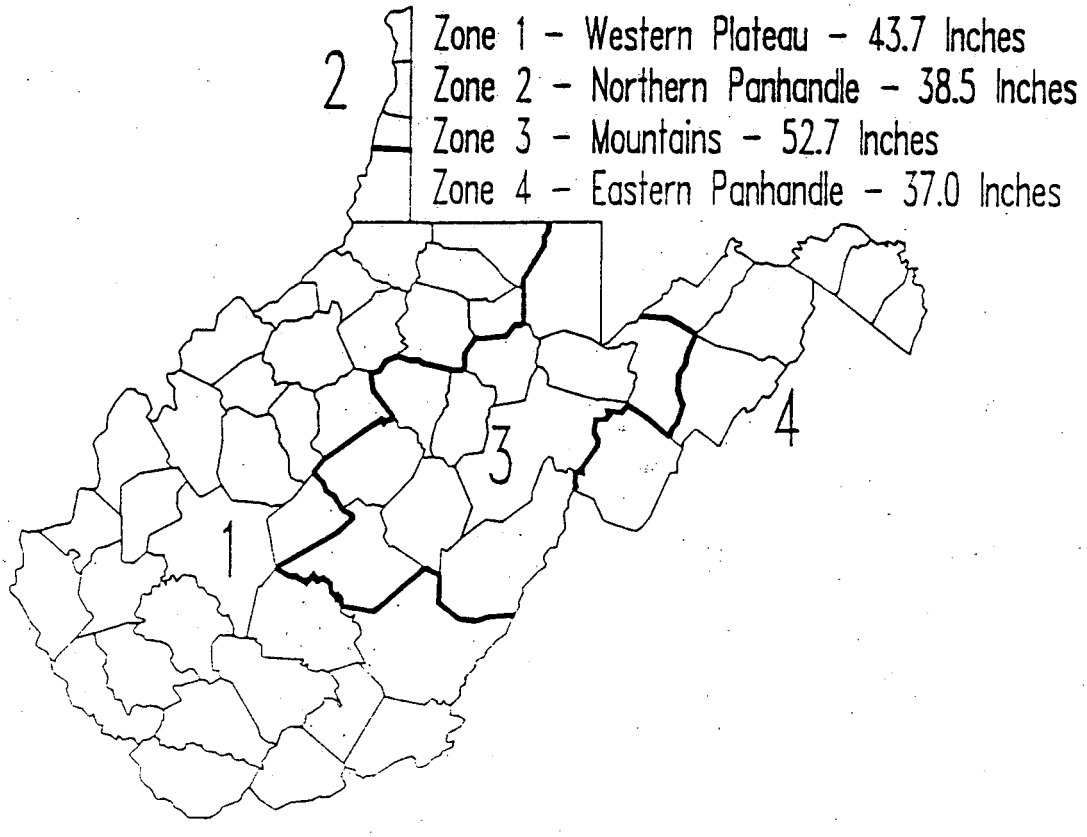
3 Acres	= $ 350
4-31 Acres	= $ 585
32-63 Acres	= $ 700
64 Acres or more	= $ 875

ZONE 4

3-4 Acres	= $ 350
5-45 Acres	= $ 585
46-90 Acres	= $ 700
91 Acres or more	= $ 875

Precipitation Zones in West Virginia

with their Annual Median Rainfall



Zone 1 – Western Plateau – 43.7 Inches
Zone 2 – Northern Panhandle – 38.5 Inches
Zone 3 – Mountains – 52.7 Inches
Zone 4 – Eastern Panhandle – 37.0 Inches

These application fees have been prepared using the NPDES Fee structure to simplify the application submittal process. Direct questions to:

WV DEP - Office of Water Resources
Program Management/Technical Support
1201 Greenbrier Street
Charleston, WV 25311-1088
Phone: (304) 558-2108

ORIGINAL (Red)

F. LINE BY LINE INSTRUCTIONS FOR COMPLETING THE SITE REGISTRATION APPLICATION FORM

1. PROJECT NAME -- The project name is the official name such as "River City Parking Garage Site Preparation Project", "Jones' House Site Preparation"

STANDARD INDUSTRIAL CLASSIFICATION CODES -- (SIC) can be found in the Standard Industrial Classification Manual of 1987 published by the Office of Management and Budget of the Executive Office of The President. Under this general permit SICs will consist of major groups 15, 16 and 17. For meeting the requirements of this registration application form, SIC 17 has been preset for all applications under the construction category.

2. DEVELOPER'S NAME -- The owner of the company supplying the capital to finance the project (individual's name, not the bank or lending institution). This person is responsible for obtaining and complying with the permit.

ADDRESS -- The address of the DEVELOPER, OFFICIALS NAME, AND COMPANY TITLE (typed or printed).

TELEPHONE -- The number where the DEVELOPER can be reached.

STATUS OF THE DEVELOPER -- The source of funds for the project.

Federal State Private Public Other

3. OPERATOR OR CONTRACTOR -- The person/firm that will be doing the dirt moving. The operator can be the same as the developer, but most often the contractor will be a different firm. If the contractor is unknown at time of application, the developer will be required to provide this information after awarding the contract.

4. PREPARER'S NAME -- The person/firm that has generated the Storm Water Pollution Control Plan (SWPCP). This could be an engineering firm, an architectural firm, surveyor, developer, contractor or individual.

5. LOCATION -- self explanatory

COUNTY -- self explanatory

COUNTY ROUTE -- The official Division of Highways (DOH) designation. Can be found on a road sign at the nearest intersection, on DOH road map, or check with county maintenance garage.

6. LATITUDE -- LONGITUDE -- Locate accurately the center of the construction site on a United States Geologic Survey 7.5 minute topographic map. For precision, latitude and longitude should be given to the nearest seconds. (Example: latitude 38° 57' 30", longitude 78° 48'45"). The local Soil Conservation Service office can help if needed.

7. NAME OF RECEIVING STREAM -- The name of the stream(s) the storm water will enter. There could be more than one receiving stream. The stream name should be the official name found on the USGS topographic map. Sometimes the discharge will not be on a named stream, in this case you will call the stream an unnamed tributary of the first named stream that it flows into. (Example: Unnamed tributary (UT) of Laurel Run or UT of Laurel Run of the Pecos River).

   If the receiving stream is a trout stream, special conditions will apply in accordance with the State Water Quality Standards for trout waters.

   At other times the discharge will be to a storm drain. In this case the applicant will need to identify the operator of the storm water system, such as "River City" and the ultimate receiving waters, i.e. the Flowing River.

8. DESCRIPTION OF THE NATURE OF THE PROJECT -- Provide a description of the nature of the construction activity. Include a description of the nature of fill material to be used, the cubic yards of material to be moved, existing data describing the soils and the quality of any discharge from the site.

9. ESTIMATED TIMETABLE OF MAJOR ACTIVITIES -- Major activities includes clearing, grubbing, rough site grade, final grade, temporary practices, etc.

10. TOTAL AREA OF SITE IN ACRES AND TOTAL ACREAGE TO BE DISTURBED -- Include ALL areas (offsite borrow areas, offsite waste sites, access roads, and any other earth disturbance related to the central project) that will be disturbed during the life of the project.

11. CERTIFICATION OF COMPLIANCE WITH APPLICABLE LOCAL LAWS -- Several counties and municipalities in the state have subdivision laws or regulations which must be followed in order to be in compliance with this general permit. The application for this permit does not absolve the developer from his or her duty to obtain the proper permits required by any local or other state jurisdiction. Certification of Compliance must be attached to this application. This can be in the form of a copy of the local permit or letter stating that local permitting authorities have been contacted. Failure to comply with this may delay the permit or cause it to be denied.

12. USGS TOPOGRAPHIC MAP -- A copy of a topographic map must accompany the permit application. The minimum information required on each map will be the name of the map, the boundary of the site, a north arrow and the location of the discharge point(s). (See Number VI also).

13. ESTIMATE OF THE RUNOFF COEFFICIENT OF THE SITE AND THE INCREASE IN IMPERVIOUS AREA AFTER CONSTRUCTION IS COMPLETED -- The runoff coefficient or runoff curve number is the percentage of total rainfall that runs off a site. It is based on the ability of the ground to absorb water. A site that has a good runoff curve number, such as gently rolling, healthy stand of ungrazed timber, would release only about 30-40 percent of a normal rainfall event to the stream, whereas a paved parking lot would allow up to 98 percent to run off. These numbers are usually only an estimate and can be found in the USDA Soil Conservation Service's Erosion Control Manual, the West Virginia Division of Environmental Protection's Mines and Minerals Technical Handbook, or calculated by a professional engineer (refer to page 3).

14. DETAILED SITE MAP -- A site map will be required and at a minimum will contain the following information:

a. All sediment control devices located.
b. Size and type of existing and proposed structures, paved areas and vegetated areas.
c. Maximum contour interval of five feet.
d. Show existing grade and proposed cuts and fills and final grade in cross sections.
e. Anticipated storm water routing.
f. Boundaries of property and any easements.
g. Separate site plan of all borrow and waste sites if not contiguous to construction site.
h. Location of borrow and waste site access roads.
i. The scale should be at least 200 feet to the inch.
j. Legend. (Standard Symbols from the State of WV BMP Manual).
k. Detailed drawings, i.e. silt fence installation, haybales, stabilized construction entrance, ditch checks, stream crossings, etc.
l. Design criteria and drawings of sediment control devices such as basin's, ponds, culverts, ditches, traps, etc.

In some instances details can be plotted on the engineering design drawings sufficiently to meet the mapping requirements.

15. NARRATIVE DESCRIPTION OF EROSION AND SEDIMENT CONTROL PRACTICES AND PROCEDURES

The sediment and erosion controls for construction activities in this permit have three goals: (1) to divert upslope water around disturbed areas of the site; (2) to limit the exposure of disturbed areas to the shortest duration possible; and (3) to remove sediment from storm water before it leaves the site.

One of the key parts of the Sediment Control Plan is a sequence of events. In this part, the order in which sediment control devices are put in place is to be expressly stated. Most construction jobs fall into components defined by time and space. In the majority of jobs the first operation is clearing and grubbing. It is at this time that the first sediment control devices are to be installed.

A basic sequence of operations for Erosion and Sediment Control and Storm Water Management shall include a plan and time schedule for clearing and grubbing, installation of temporary sediment control structures, installation of permanent sediment control, installation of permanent storm water control, inspection schedules, maintenance schedules, and removal of temporary erosion and sediment control structures.

VEGETATIVE PRACTICES (Temporary and Permanent)

The next section of the narrative shall have a discussion of the vegetative practices that will be utilized. The first action should be to limit the amount of area to be disturbed at any given moment. The vegetative practices that can be utilized are temporary seeding, mulching, permanent seeding, vegetative buffer strips, sod stabilization, and protection of existing trees. Among the practices most useful is the seeding and mulching of areas as final grade is met. The sooner that an area is seeded the better; therefore, at a minimum, temporary seeding, permanent seeding, mulching or sod stabilization procedures, or their equivalent, shall be initiated on all disturbed areas within 7 days of final grading. All operations should be geared to achieve this. The sooner that grass is planted and established the more likely the goals of erosion control will be met.
Vegetative practices are concerned with covering the soil surface with growing vegetation, usually with the help of such things as soil amendments or mulches, in order to stabilize the soil surface and prevent erosion. The following items should be considered before vegetative practices are applied:

1. Soil test results.
*2. Lime application rates (based on soil test) or a blanket rate of application.
*3. Type of fertilizer (based on soil test) or a broad based fertilizer.
*4. Temporary grass seed mixtures and rate of application.
*5. Permanent grass seed mixtures and rate of application.
6. Seed bed preparation.
*7. Type of mulch.
*8. Mulch rates in tons per acre or pounds per 1000 square feet.
9. The seasonal growing period.

* **THESE ITEMS MUST BE INCLUDED IN THE APPLICATION.**

In addition to vegetative controls there will be a need to install structural controls. Structural practices are designed to accomplish two goals. The first is to divert water from undisturbed upslope areas around the disturbed area. And second, to remove sediment from runoff before it leaves the site. There are several ways of accomplishing this, including filtering through silt fence or other similar devices and by trapping and settling sediment in basins or ponds. All structural devices have limitations that shall not be exceeded.

For sites with more than ten (10) disturbed acres in a single drainage system a sediment detention basin installed at the lowest limits, where attainable, may be all that is required. The basin will be designed to detain or provide storage for a 10 year, 24-hour storm. At no point will sediment laden storm water be allowed to exit the property without running through a sediment control device. For sites with ten (10) or less acres, at a minimum, silt fences or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area, only when a sediment basin providing storage for runoff from a 10 year, 24 hour storm event cannot be built. However, most construction jobs spill into more than one drainage, have space limitations and need a combination of practices to control runoff. This is where the sequence of operations is needed most. NOTE: Silt fence must not be used in areas where concentrated flows can be expected or to control areas of greater than 1/4 acre per 100 feet of fence.

Temporary Structural Sediment Control: Temporary practices are those structural practices constructed for the purpose of controlling the flow of water, preventing erosion by flowing water or trapping sediment for relatively short periods of time during some stage of construction. The following is a sample of some of the practices that can be utilized in the Storm Water Pollution Control Plan.

1. Silt fence
2. Check dams
3. Sediment basins/sediment traps
4. Diversions and waterways
5. Slope drainage and earth dikes
6. Inlet protection
7. Outlet protection
8. Temporary stream crossing
9. Reach final grade as soon as possible
10. Level spreaders
11. Maintenance schedule
12. Subsurface drain
13. Rip-rap (properly sized)
14. Mulch
15. Temporary bypass channel
16. Any other applicable sediment control device

NOTE: All sediment control practices shall be capable of managing a 10 year, 24 hour storm event.

OTHER AREAS TO BE COVERED IN THE NARRATIVE AREA;

A. A description of existing conditions.

B. A description of final conditions.

C. A soil survey map with site located and soils description. (See Section 8).

16. SITE MAP -- Attach a map showing contour intervals that includes all permanent storm water control structures.

17. **STORM WATER MANAGEMENT** -- The new regulations require developers to develop a description of measures to control pollutants in storm water discharges that will occur after construction operations have been completed. Such practices may include infiltration of runoff onsite; flow attenuation by the use of open vegetated swales and natural depressions; storm water retention and storm water detention structures. Where such controls are needed to prevent or minimize erosion, velocity dissipation devices shall be placed at the outlet of all detention or retention structures along the length of any outlet channel as necessary to provide a non-erosive velocity flow from the structures to a water course. Justification shall be provided by the permittee for rejecting each practice based on site conditions.

The following items should be considered in the storm water control plan:

A. Existing and proposed runoff curve numbers.
B. Existing flow paths.
C. Proposed flow paths.
D. Waterway design calculations.
E. Permanent Storm Water Pollution Control Measures. These measures should be installed as soon as practical. **REMEMBER, THE BEST EROSION CONTROL IS A HEALTHY STAND OF GRASS.**

   1. Permanent seeding.

   2. All waterways must be permanently stabilized: i.e. ditchline protection w/grass and an erosion control blanket specifically designed for concentrated water flows or properly sized rip-rap. Specific engineering requirements are needed to insure that the waterway will remain stable and not erode.

      Recommended waterway protection
      1. Less than 3% - grassed
      2. 3 - 8% - grass with jute matting
      3. Greater than 9% - rip-rap

   3. Design Criteria, i.e. flow characteristics of each waterway should be done to insure proper capacity, at a minimum, a 10 year 24 hour storm should be used to calculate sizes.

F. Storm water detention or retention structures design and calculations, if planned.
G. Pipe and culvert sizing and outlet protection.

<u>OTHER CONSIDERATIONS TO BE ADDRESSED IN THE PLAN</u>:

A. Vehicle maintenance.
   1. Changing of fluids away from waterways.
   2. Proper disposal of spent fluids.
   3. Keep machinery out of live streams.
   4. Clean up of any spilled fluids.
B. Spill prevention and control of fuels and oils.
C. Proper disposal of solid wastes.
D. Proper handling of hazardous wastes.
E. Proper disposal of excess cement.
F. Dust control.
G. Burning permit.
H. Permits needed for cement batch plants?
I. Are any local permits needed, i.e. subdivision, flood plain, storm water, etc.
J. Will there be any stream work that would require a Public Lands Corporation permit from the Real Estate Management Section of the Division of Natural Resources or an U.S. Army Corps of Engineers 404 permit?

SPECIAL NOTE

The Division of Environmental Protection will be initiating the development of a best management practice manual to establish standard practices for meeting the requirements of the storm water WV/NPDES permit for construction activity. During the interim period the following manuals should be used for reference:

--WV/DNR Construction Best Management Practice Manual, 1983
--USDA SCS Erosion and Sediment Control Handbook for Developing Areas, West Virginia
--Technical Handbook for Surface Mining, Mines and Minerals Section of the WV Division of Environmental Protection

REGISTRATION NO. WVG_____

SITE REGISTRATION APPLICATION FORM
STATE OF WEST VIRGINIA/NPDES GENERAL PERMIT
FOR
STORM WATER ASSOCIATED WITH INDUSTRIAL (CONSTRUCTION) ACTIVITY

1. PROJECT NAME _____

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE 17

2. DEVELOPER'S NAME _____

ADDRESS _____

_____

OFFICIALS NAME AND TITLE _____

_____

TELEPHONE (_____)_____

STATUS OF DEVELOPER (Circle One)

Federal State Private Public

Other _____

3. OPERATOR OR CONTRACTOR _____

ADDRESS _____

_____

_____

TELEPHONE (_____)_____

4. PREPARER'S NAME _____

ADDRESS _____

_____

TELEPHONE (_____)_____

5. LOCATION -- NEAREST TOWN _____

COUNTY _____

COUNTY ROUTE _____

6. LATITUDE _____ LONGITUDE _____

7. NAME OF RECEIVING STREAM _____

BASIN _____ TROUT STREAM YES____ NO____

MUNICIPAL SYSTEM OPERATOR _____

IF THE DISCHARGE IS TO A MUNICIPAL SEPARATE STORM SEWER INCLUDE THE NAME OF THE OPERATOR OF THE STORM SEWER AND THE ULTIMATE RECEIVING WATER(S)

8. DESCRIPTION OF THE NATURE OF THE PROJECT (attach existing soil and water quality reports)

_____

_____

9. ESTIMATED TIMETABLE FOR MAJOR ACTIVITIES

_____

_____

_____

10. TOTAL AREA OF SITE (IN ACRES) AND TOTAL ACREAGE TO BE DISTURBED. THIS INCLUDES ENTIRE PROJECT (WASTE AND BORROW SITES, HAUL AND ACCESS ROADS AND ANY OTHER DISTURBED AREA)

_____

_____

_____

11. CERTIFICATION OF COMPLIANCE WITH APPLICABLE LOCAL LAWS (EXAMPLE: SUBDIVISION REGULATIONS) PLEASE ATTACH

12. ATTACH US GEOLOGIC SURVEY 7.5 MINUTE TOPOGRAPHIC MAP OF AREA

13. ESTIMATE OF THE RUNOFF COEFFICIENT OF THE SITE AND THE INCREASE IN IMPERVIOUS AREA AFTER CONSTRUCTION IS COMPLETED

_____

_____

14. ATTACH DETAILED SITE MAP OF TEMPORARY SEDIMENT CONTROLS

ORIGINAL (Red)

15. NARRATIVE DESCRIPTION OF HOW EROSION AND SEDIMENTATION WILL BE CONTROLLED DURING THE LIFE OF THE PROJECT (SEE ATTACHED INSTRUCTIONS). CONTINUE ON ADDITIONAL PAGES IF NEEDED.

16. ATTACH SITE MAP OF THE FINAL CONDITIONS SHOWING STORM WATER CONTROL STRUCTURES (PLEASE ATTACH)

17. NARRATIVE DESCRIPTION OF THE FINAL STORM WATER CONTROL AND POLLUTION PREVENTION (ATTACH ADDITIONAL PAGES IF NEEDED)

ORIGINAL (Red)

By completing and submitting this application, I have reviewed and understand and agree to the terms and conditions of the General Permit issued on June 8, 1992. I understand that provisions of the permit are enforceable by law. Violations of any term and condition of the general permit and/or other applicable law or regulation can lead to enforcement action.

I certify under penalty of law that I have personally examined and am familiar with the information submitted on this application form and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

OFFICIAL SIGNATURE _____ **DATE** _____

TYPE OR PRINT NAME AND TITLE _____

9

Prior to filing this application, you may wish to obtain a copy of the Legislative Rules of the Division of Natural Resources, Title 47, Series 26, water pollution control permit fee schedule, effective April 22, 1991, in order to determine the appropriate permit application fee required to accompany your submission of this application, or you may use the table found in Item E of the attached General Instruction Sheet. You can obtain a copy of the regulations from the Secretary of State's Office, State Capitol Building, Charleston, WV 25305.

Your check or money order for the appropriate application fee must be made payable to the West Virginia Division of Environmental Protection.

All spills or accidental discharges are required to be reported immediately to the emergency response spill alert system toll free telephone number 1-800-642-3074 (in-state). Calls from out of state should be made to 1-304-558-8899.